



## Memorandum

To: Mel Hudelson, Executive Director, Kansas Chapter American Academy of Pediatrics  
From: Little Government Relations

### Overview

The pace has picked up in Week Three and the Governor's State of the State Address on Tuesday seemed to give the Session its official start. Bills began having hearings this week and next week is full of more. Both chambers may have their first few bills to debate on the floor next week. The budget committees begin hearings and deliberations next week that will last for the next couple weeks.

### Highlights from the Week

1. The Governor's State of the State Address on Tuesday highlighted her priorities for the 2023 Session and beyond:
  - a. "Aging Your Taxes" Plan to do three things: Immediately eliminate the state sales tax on food, feminine hygiene products, and diapers; implement a back-to-school sales tax holiday; and cut taxes on social security income.
  - b. Continue to fully fund K-12 education and special education.
  - c. Confront the state's water crisis.
  - d. Expand Medicaid.
  - e. Legalize medical marijuana.
  - f. Expand the mental health intervention team program to more school districts.
  - g. Respond to the opioid crisis in Kansas by decriminalizing fentanyl testing strips and increase funding for naloxone in schools.
  - h. Establish the state's early childhood task force to explore creating a state agency dedicated solely to early childhood programming and initiatives.
  - i. The Governor's speech can be accessed here:  
<https://governor.kansas.gov/governor-kelly-delivers-the-2023-state-of-the-state-address/>
2. Former House Speaker Tim Shallenburger (R-Baxter Springs) was sworn into the Kansas Senate to fill retiring Senator Richard Hilderbrand's Senate District 13 seat. Senator Shallenburger will serve on the Judiciary, Local Government, Transparency and Ethics, and Transportation committees.

### Big Picture Issues

#### Health Care

- No action on Medicaid expansion yet but there are some healthcare issues impacting the state. Health and funding committees are being briefed on these issues.
- Conclusion of the COVID public health emergency over this year will have impacts:
  - Federal government financial support for Medicaid services were increased during COVID and they will decline throughout the year by 6.5 percent.
  - At the same time, Medicaid eligibility was suspended during COVID and now they will again be reviewing and removing ineligible individuals from Medicaid.

### Tax Bills:

- Back to School Sales Tax Holiday.
  - Multiple bills that would provide for a Back-to-School Sales Tax Holiday in August are making their way through the process. The proposals had hearings in Senate Tax last week and will have hearings on the House side next week.
- Food Sales Tax
  - The Governor's plan to immediately eliminate the state sales tax on food, feminine hygiene products, and diapers has yet to have a hearing.
  - HB 57 & HB 2111.
- Social Security Income Tax Reductions.
  - There are several proposals to reduce taxes on social security income and smooth out the current \$75,000 cliff. The first of several bills, HB 2107, was heard this week in House Tax.
- Personal, Corporate Income Tax Reductions
  - The Kansas Chamber introduced its "flat tax" bills to reduce both the personal and corporate income tax rates. This plan would reduce the state's tax brackets from three to one for individuals.
  - No hearing has yet been scheduled for this legislation.

### Education

- Higher education institutions have the Governor's budget support for additional funding, as does K-12.
- The K-12 issues in committee this week and next are focused on issues such as non-public school scholarships and the special education formula.
- Both these issues will be a central issue throughout the session.

### What's Next

- Next Week: Budget hearings and deliberations begin for state agencies and will carry over into the following week.
- January 30<sup>th</sup>: Last day for legislators to request bill drafts from the revisor.
- February 6<sup>th</sup>: Last day for non-exempt committees to request bills.
- February 8<sup>th</sup>: Last day for individuals to introduce bills in originating chamber.

### Legislation of Interest

Health committees continued informational briefings this week, with more set for next week. Despite the Governor's call for Medicaid Expansion and the legalization of medical marijuana in her State of the State Address, there has been little talk or action on either issue from the Republican-led Legislature.

### End of the Public Health Emergency (PHE) and Medicaid Unwinding Process

- KDHE briefed both budget committees this week on what to expect over the next several months with the end of the PHE and the beginning of the annual review process which is set for April 1<sup>st</sup>, 2023.

- The state will continue to receive an enhanced FMAP which will gradually step down over this year. For the first quarter of 2023, the state will continue to receive the enhanced 6.2% rate; beginning April 1<sup>st</sup> the state will receive a 5% enhanced rate; for quarter three a 2.5% enhanced rate, and for the fourth quarter of 2023 the state will receive a 1.5% enhanced federal participation rate.
- April 1<sup>st</sup> is when continuous eligibility requirements end and the first day individuals can be removed from the Medicaid rolls. KDHE is still waiting for some additional CMS guidance related to this.
- The agency has 12 months to initiate reviews and an additional two months to complete the entire process.
- KDHE estimates between 115,000 and 125,000 individuals will no longer be eligible once the review process is completed.

### KAAP Activities

- KAAP testified on HB 2034 CARE Provider Network on Wednesday, January 25<sup>th</sup> in the Child Welfare & Foster Care Committee. It is likely the bill will be worked next week. The Children's Alliance of Kansas, DCF, KDHE, and the Kansas Sheriff's Association offered written testimony in support.

### Bills of Note

The introduction of bills picked up this week and there will be many bills to monitor over the next few weeks until Turnaround. We will attempt to track in particular those that are either of significant interest and impact, and those that are likely to advance.

Bills that have been published and the bill history can be found on the Legislature's official website: [http://www.kslegislature.org/li/b2023\\_24/measures/bills/](http://www.kslegislature.org/li/b2023_24/measures/bills/)

### Vaccinations

(No movement on any of these).

- SB 6: Restricting the authority of the secretary of health and environment and local health officers to prevent the introduction and spread of infectious or contagious diseases; repealing the authority of the secretary to quarantine individuals and impose associated penalties.
- SB 20: Requiring childcare facilities, elementary, secondary, postsecondary educational institutions and employers to grant exemptions from vaccine requirements without inquiring into the sincerity of the request and repealing the meningitis vaccine requirement to live in student housing.
- HB 2007: Prohibiting the secretary of health and environment from requiring a COVID-19 vaccination for care at a childcare facility or attendance at a school.
- HB 2126: Authorizing over the counter ivermectin and hydroxychloroquine.

### Scope of Practice/Licensure

- SB 112: Amending the scope of practice for registered nurse anesthetists to allow independent practice within the scope of the licensee's education and qualifications
- SB 113: Allowing naturopathic doctors to engage in the corporate practice of medicine.

- HB 2153: Mandates one hour annual human trafficking awareness continuing education for BSRB licensed persons.

#### Gender Issues

- Gender Reassignment Surgery.
  - Enacting the Kansas child mutilation prevention act to criminalize performing gender reassignment surgery or prescription of hormone replacement therapy on certain persons and providing grounds for unprofessional conduct for healing arts licensees.
  - No movement.

#### Dental/Oral Health

- SB 103: Updating certain provisions of the Kansas dental practices act relating to dentist information requested by patients, in-person practice requirements in dental office using licensee's name, unprofessional conduct and patient complaints
- HB 2162: Providing for sales tax exemption for hygiene products (encompasses products beyond feminine hygiene products and diapers, to include toothbrushes, toothpaste, mouthwash, floss, deodorant, shampoo, soaps, etc.).
- HB 2142: Creating the get the lead out of school drinking water act to require schools to comply with legal limits on lead content in school drinking water.

#### Children/Family

- HB 2009/SB 89: Providing for sales tax exemption for feminine hygiene products and diapers.
- HB 2162: Providing for sales tax exemption for hygiene products (encompasses products beyond feminine hygiene products and diapers, to include toothbrushes, toothpaste, mouthwash, floss, deodorant, shampoo, soaps, etc.).
- SB 21: Back to School Sales Tax Holiday.
  - Heard in Senate Tax 1/19.
- SB 45/HB 2050: Updating income eligibility requirements for CHIP.

#### Child Safety & Development

- SB 82: Requiring schools to establish policies and concussion management teams to prevent and manage concussions within schools.
  - Hearing in Senate Education Tuesday, Jan. 31<sup>st</sup>.
- HB 2142: Creating the get the lead out of school drinking water act to require schools to comply with legal limits on lead content in school drinking water.

#### Gun Safety

- HB 2074 red flag law: Allowing courts to prohibit possession of a firearm in a temporary custody order pursuant to the care and treatment act for mentally ill persons.

#### Child Welfare Related Bills and Issues.

- HB 2021: Expanding the use of the Evidence-Based Program account money to youth not yet in the system.

- Hearing in House Corrections & Juvenile Justice Monday, January 30<sup>th</sup>, 1:30 PM.
- HB 2033: Changing the criteria used to refer and admit juveniles to a JCIC.
- HB 2076: Repealing the adoption protection act.
- HB 2112: Enacting the Rep. Gail Finney foster care bill of rights.
  - Hearing in Child Welfare & Foster Care Monday, January 30<sup>th</sup>.

### **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/b2023\\_24/chamber/calendars/](http://kslegislature.org/li/b2023_24/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 Legislative YouTube at:

[https://www.youtube.com/channel/UC\\_0NO-Pb96CFABvxDwXAq8A](https://www.youtube.com/channel/UC_0NO-Pb96CFABvxDwXAq8A)

#### *Monday, January 30.*

House Health. 1:30 PM.

- Presentation on BSRB.

House Corrections. 1:30 PM.

- Hearing on HB 2021 re: Evidence Based Practice Fund.

House Child Welfare & Foster Care. 1:30 PM.

- Hearing on HB 2112: Enacting the Rep. Gail Finney foster care bill of rights.
- Q&A with DCF Secretary Laura Howard.
- Final action on bills previously heard.

#### *Tuesday, January 31.*

Senate Education. 1:30 PM.

- Hearing on SB 82: Requiring schools to establish policies and concussion management teams prevent and manage concussions within school.

#### *Wednesday, February 1.*

Child Welfare & Foster Care. 1:30 PM.

- Presentations from State Child Death Review Board & Office of the Child Advocate.
- Final action on bills previously heard.

Higher Education Budget. 3:30 PM.

- BSRB Presentation.