



Memorandum

Date: February 16th, 2023

Re: Legislative and Policy Report

Overview

This week, committees worked diligently to hear, debate, and advance bills to their respective chambers for action next week. Next Monday and Tuesday, committees will wrap up their work before spending the rest of the week debating bills on the floor. Friday, February 24th, or “Turnaround Day,” represents the official midpoint of the Session. The Legislature will return after a long weekend on Wednesday, March 1st, to resume work and continue the race to First Adjournment on Thursday, April 6th. Most bills must pass out of their chamber of origin by next Friday.

Highlights from the Week

1. By early next week, the budget committees will have made their recommendations and the state budget bill will be assembled, ready for the long process of budget conference committee that will begin following Turnaround.
2. Bill introductions slowed for the most part, the deadline for doing so in most committees having passed last week. Exempt committees (Tax, Federal & State Affairs, budget committees) still allow introductions, but these have drastically slowed. Non-exempt bills that fail to advance next week will drop off our reports.

Big Picture Issues

Tax Bills

- Food Sales Tax
 - No movement on the Governor’s plan to immediately eliminate the state sales tax on food, feminine hygiene products, and diapers. The bill is in House Tax.
 - SB 248: Sales tax exemption only on “healthy foods” has a hearing in Senate Tax on Monday. SB 248 would also repeal the gradual reduction of the state sales tax on food that was passed last year.
- Social Security Income Tax Reductions.
 - Both chambers next week will debate proposals that would fully eliminate state income tax on social security income.
- Personal, Corporate Income Tax Reductions
 - House Tax heard HB 2061 on Tuesday and Wednesday, which would provide for a flat tax rate of 5% for individuals and corporations. The proposal has drawn sharp criticism for its hefty fiscal note in the out years.

Other Policy Topics

- Education: The Senate has few education bills to debate next week, but it is expected the full House will debate the education savings account legislation.
- Health: No movement on Medicaid Expansion or medical marijuana; however, the House Health and Corrections committees had significant discussion this week on

decriminalizing fentanyl testing strips, and the House advanced its legislation out of committee.

Health-Related Activities

This week the budget subcommittees wrapped up deliberations on the KDHE budget and the full budget committees accepted the recommendations. Recommendations for the KDADS budget will conclude early next week, and the budget will be assembled. Budget conference committee will likely begin mid-March.

Additionally, both health committees held hearings on high profile topics this week, including gender affirming care, public health authority, and confronting the opioid crisis by decriminalizing fentanyl testing strips. While the Legislature in recent years has been conflicted on the fentanyl strip issue, the House Health Committee, in a demonstration of its strong support, heard and worked the bill in the same day, advancing it to the full House for debate.

KAAP Activities

- HB 2034 CARE provider network House debate next week.
- KMS 5% physician rate increase: The House committee recommended the full 5%. The Senate committee recommended a 3% increase. The issue will be resolved in conference.
- KAAP provided in-person opponent testimony to SB 233 that would criminalize physicians for providing gender-affirming care.
- KAAP also provided in-person opponent testimony to SB 6 that would hinder public health efforts in responding to disease outbreaks.
- KAAP provided written opponent testimony on HB 2238: Transgender Sports and SB 112: CRNA scope of practice. House Education advanced HB 2238 to the full House for debate.

Bills of Note

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/

Vaccinations

- 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.
 - Heard in Senate Health Monday, 2/13.
- 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.

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.
 - Heard in Senate Health Thursday, 2/16.
- SB 113: Allowing naturopathic doctors to engage in the corporate practice of medicine.
 - Heard in Senate Health Friday, 2/17.
- SB 121: Broadening the scope of practice of naturopathic doctors and changing certain provisions pertaining to the licensure and regulation of naturopathic doctors.
 - Hearing cancelled.
- SB 131: Providing an exemption from licensure requirements for certain out-of-state physicians practicing on a limited basis in the state.
 - Heard in Senate Health, Friday 2/17.
- HB 2153: Mandates one-hour annual human trafficking awareness continuing education for BSRB licensed persons.
 - On House General Orders.
- HB 2263: Authorizing pharmacy technicians to administer certain vaccines.
 - On House General Orders.
- SB 176/HB 2340 BSRB licensure bill.
 - HB 2340 advanced out of House Health with amendments.

Access to Care

- Prior Authorization
 - HB 2259: Providing that certain mental health medications be available without prior authorization to treat Medicaid recipients and abolish the mental health medication advisory committee.
 - Passed out of House Health as amended.
 - HB 2283: KHA bill. Enacting the ensuring transparency in prior authorization act to impose requirements and limitations on the use of prior authorization in healthcare.
 - Hearing in House Insurance Monday, 2/20.
- Telehealth
 - SB 246/HB 2337: 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.
- HB 2347: Price limits for health benefits covering prescription insulin drugs and establishing the insulin affordability program for the uninsured.

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.
 - Awaits action in Senate Health.
- 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.
 - Heard in House Education 2/14.
- HB 2266: Defining non-covered benefits under dental benefit plans.

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.
 - Heard in Senate Health Tuesday, 2/14.
- HB 2238: Fairness in women's sports act to require that female student athletic teams only include members who are biologically female.
 - Advanced out of House Education 2/15.
- HB 2258: Prohibiting certain licensed individuals from using conversion therapy on minors.
- SB 180: Establishing the women's bill of rights; providing a meaning of biological sex for purposes of statutory construction.
 - Heard in Senate Health Wednesday, 2/15.

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.
 - Both bills heard in Health committees.
 - No action on bills but a proviso is likely.
- SB 118: Expanding the duties of the KDHE Secretary when investigating maternal deaths to include promoting continuity of care, helping develop performance measures and establishing an external review committee to study cases and make recommendations to prevent maternal deaths.

Child Safety & Development

- SB 82: Requiring schools to establish policies and concussion management teams to prevent and manage concussions within schools.
 - Heard in Senate Education Tuesday, Jan. 31st.
- SB 167: Requiring certain school district employees to receive training for seizure recognition and related first aid.
- 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.
 - Heard in House Education, Tuesday 2/14.

- HB 2269: Tobacco 21.
 - Advanced out of Fed & State Affairs 2/16.

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.
- HB 2304/SB 116: Standardizing firearms safety programs in school districts. “Eddie Eagle” bill.
 - SB 116: Passed the Senate.
 - HB 2304: Hearing in House Fed & State Affairs Tuesday, 2/21.
- SB 137: Creating the responsible gun ownership act and establishing the crime of unlawful storage of a firearm.
- HB 2245: Creating the gun violence restraining order act to authorize the issuance of protective orders prohibiting the acquisition and possession of firearms by certain individuals.
- SB 183: Increasing the penalty for certain violations of criminal discharge of a firearm when a person was present in the dwelling, structure or motor vehicle at which the offender discharged a firearm.
- HB 2339: Voluntary do-not-sell firearms list.

Opioid Crisis

- HB 2328: Excluding tests to detect the presence of fentanyl, ketamine or gamma hydroxybutyric acid in a substance from the definition of drug paraphernalia.
 - Heard in House Corrections Wednesday 2/15.
- HB 2390: Establishing the Kansas Overdose Fatality Review Board and excluding tests to detect the presence of fentanyl, ketamine or gamma hydroxybutyric acid in a substance from the definition of drug paraphernalia.
 - Heard and worked in House Health Wednesday 2/15. Mostly technical amendments added.

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.
 - Passed the House 85-35.
- HB 2033: Changing the criteria used to refer and admit juveniles to a JCIC.
 - Passed the House 123-0.
- HB 2076: Repealing the adoption protection act.
- HB 2112: Enacting the Rep. Gail Finney foster care bill of rights.
 - Heard in Child Welfare & Foster Care 1/30.

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/

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

Monday, February 20.

Senate Health. 8:30 AM.

- Final action on bills.

Child Welfare & Foster Care. 1:30 PM.

- Hearing on HB 2407 KCTC: Creating conditions for the administration of certain tests, questionnaires, surveys and exams and eliminating the parental consent requirements.
- Hearing on HB 2371: Limiting the number of children in out-of-home placement cases assigned to case managers.

House Insurance. 3:30 PM.

- Hearing on HB 2283: KHA's ensuring transparency in prior authorization act.

House Social Services Budget. 3:30 PM.

- KDADS Budget Recommendations.

Tuesday, February 21.

Senate Health. 8:30 AM.

- Final action on bills.

House Fed & State Affairs. 9:00 AM.

- Hearing on HB 2304: Standardizing firearms safety programs in school districts.

Senate Ways & Means Human Services Subcommittee. 12:00 PM.

- KDADS budget Recommendations.

House Social Services Budget. 3:30 PM.

- Hearing on HB 2330: Increasing amount of state moneys for local health departments.

Wednesday, February 22-Thursday February 23.

Floor debate in both Chambers.

Friday, February 24.

Turnaround Day.