



## Memorandum

Date: February 2<sup>nd</sup>, 2023

Re: Legislative and Policy Report

### **Overview**

Week Four marks the beginning of some of the busiest weeks of Session. Budget hearings have begun, and bills are beginning to build up on the House and Senate floor for future debate in both chambers. We are approaching the deadline this next week for bill introductions, so following this week, bill introductions will dwindle.

Committees will work for the next two weeks to pass bills out of committee, before debating bills on the floor the week of February 20<sup>th</sup>. Most bills must pass their chamber of origin by February 24<sup>th</sup>, the official midpoint of the Session, to remain alive for the second half of Session.

### **Highlights from the Week**

1. Budget hearings began for a few state agencies. The budgets for the larger state agencies, including KDHE and KDADS, will begin next week.
2. First medical marijuana bill of the Session introduced in Senate Federal and State Affairs.
3. Hearings on some of the major tax bills, including on the food sales tax bill and the reduction or elimination of taxes on social security income, will take place next week.
4. State revenue remains strong as the state's tax collections for January totaled \$1.05 billion, exceeding estimates by \$56.2 million. The total exceeded January 2022 receipts by \$102.4 million.
5. New APEX project announced late Thursday, a semi-conductor facility in Wichita:  
<https://governor.kansas.gov/governor-kelly-announces-integra-technologies-to-invest-1-8b-create-nearly-2000-jobs-with-wichita-semiconductor-plant/>

### **Big Picture Issues**

#### 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. Several of the proposals have been heard in both tax committees.
- Food Sales Tax
  - The Governor's plan to immediately eliminate the state sales tax on food, feminine hygiene products, and diapers will be heard next Tuesday in House Tax (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 was heard this week in House Tax and more will be heard next week.

- Personal, Corporate Income Tax Reductions
  - The major “flat tax” legislation introduced by the Kansas Chamber has yet to have a hearing. The fiscal note for the legislation was made available this week, estimating a flat tax would cost the state upwards of \$3 billion over three years.

#### Other Policy Topics

- Education: The debate over non-public school scholarships is heating up, with hearings on one of the major proposals for universal education savings account happening next week.
- Health: No major bill hearings in either health committee as of yet, nor has there been any discussion regarding Medicaid Expansion, outside of the Governor’s office.

#### **Health-Related Activities**

At this point in the session, with little activity in either of the health committees, there is little legislation of interest moving. The Governor has gathered Medicaid expansion advocates to strategize for a renewed effort this session. There’s a new telemedicine bill introduced and in the works, but its contents are unknown. Budget hearings will begin the month-long process to assemble the budget. There will not be much health care legislation this session so the budget will get much of the attention. Finally, there is still no information about possible use of the final SPARK funds.

Next week, both health committees will hold their first bill hearings of the Session. In addition to bill hearings in both health policy committees, the budget committees will begin their hearings and deliberations on the DCF and KDHE budgets.

#### **KAAP Activities**

- KAAP provided testimony in support of SB 82 (concussion management teams) in Senate Education on Tuesday, 1/31.
- We expect the Child Welfare & Foster Care Committee will take action on HB 2034 CARE Provider Network on Monday.
- Hearing in House Health next week regarding pharmacists’ authority to administer certain vaccines.
- KMS is seeking an amendment to KDHE’s budget for a 5% across the board rate increase for physicians and will testify on the request before the House Social Services Budget Committee next week.
- Advocacy Day Wednesday, February 8<sup>th</sup>!

#### **Bills of Note**

The introduction of bills picked up this week and the volume will likely increase over the next several days before the deadline to introduce bills later next week. 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 county 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.
- SB 121: Broadening the scope of practice of naturopathic doctors and changing certain provisions pertaining to the licensure and regulation of naturopathic doctors.
- SB 131: Providing an exemption from licensure requirements for certain out-of-state physicians practicing on a limited basis in the state.
- HB 2153: Mandates one-hour annual human trafficking awareness continuing education for BSRB licensed persons.
- HB 2263: Authorizing pharmacy technicians to administer certain vaccines.
  - Hearing in House Health Monday, 2/6.

## 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.
- 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.

## 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.
  - Hearing 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.
  - No movement.
- HB 2238: Fairness in women's sports act to require that female student athletic teams only include members who are biologically female.
- HB 2258: Prohibiting certain licensed individuals from using conversion therapy on minors.

## 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.
  - HB 2050 hearing in House Health Thursday 2/9.
- 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.
  - 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.
- HB 2269: Tobacco 21.

## 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.
- SB 116: Standardizing firearms safety programs in school districts. "Eddie the Eagle" bill.
  - Hearing in Senate Fed & State Wednesday, 2/8.
- 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.

#### 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.
  - Heard 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.
  - Heard 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, February 6.*

House Health. 1:30 PM.

- Hearing on HB 2263: Authorizing pharmacy technicians to administer certain vaccinations.
- Hearing on HB 2260: Increasing the number of medical student loan agreements that may be provided by the KU School of Medicine and prohibiting impediments to switching between residency programs.

Child Welfare & Foster Care. 1:30 PM.

- Hearing on HB 2153: Human trafficking training for law enforcement, child welfare agencies, juvenile justice agencies, mental health professionals and school personnel.
- Final action on HB 2034 CARE Provider Network.

Senate Ways & Means Human Services Subcommittee. 2:30 PM.

- DCF Agency Overview.

House Social Services Budget. 3:30 PM.

- Hearing on Budget Analysis for KDHE.

#### *Tuesday, February 7.*

House Social Services Budget. 3:30 PM.

- Public Testimony on KDHE budget.

House Tax. 3:30 PM.

- Hearing on HB 2111 immediate elimination of the state sales tax on food, feminine hygiene products, and diapers.

#### *Wednesday, February 8.*

Senate Public Health. 8:30 AM.

- Hearing on SB 103 Updates to Kansas Dental Practice Act; repealing the 20% in-person practice requirements in dental offices.

House Appropriations. 9:00 AM.

- Hearing on HB 2191: Authorizing the Children's Cabinet to form a 501(c)(3) for fundraising for the Dolly Parton imagination library book gifting program.

Senate Federal & State Affairs. 10:30 AM.

- Hearing on SB 116: "Eddie the Eagle" firearm education programs.

Child Welfare & Foster Care. 1:30 PM.

- Informational hearing on Adoption Attachment.

Senate Ways & Means Human Services Subcommittee. 3:00 PM.

- Hearing on DCF budget; public testimony.

*Thursday, February 9.*

Senate Health. 8:30 AM.

- Final action on SB 103: Updates to Kansas Dental Practice Act.

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

- Hearing on KDHE budget.

House Health. 1:30 PM.

- Informational briefing on HB 2050: Updating income eligibility requirements for CHIP.

House Social Services Budget. 3:30 PM.

- Budget Recommendations for KDHE.

*Friday, February 10.*

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

- Deliberation on KDHE budget.