



Memorandum

Date: February 23rd, 2023

Re: Legislative and Policy Report

Overview

This week, both chambers debated over 100 bills over two long days. Bills that did not advance have been removed from our report, in an attempt to present only those bills that have a chance of advancing during the second half of 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.

Highlights from the Week

1. The major tax bills are making their way through the process. A bill establishing a flat income tax rate of 4.75% passed the Senate, as well as a bill to exempt all social security income from Kansas income tax. Additionally, the Senate passed SB 248, which would exempt both state and local sales tax on food and food ingredients beginning January 1, 2024.
2. Property tax bills are also beginning to move, with SB 252 advancing out of Senate Tax Committee. This bill addresses perceived “government competition” between government-operated and private business.
3. The fate of all these bills long term is in question.

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.
 - The Senate instead passed SB 248, which accelerates the reduction of the sales tax on food to January 1, 2024, as opposed to January 1, 2025. Initially, the bill was a sales tax reduction just for certain “healthy foods,” but the full Senate amended the bill to expand it to all food and food ingredients. It also applies to both the state and local sales tax on food.
- Social Security Income Tax Reductions.
 - The Senate passed SB 33, which would exempt all social security benefits from Kansas income tax. The House will likely pass its own version, and the issue will most likely be resolved in conference committee later in Session.
- Personal, Corporate Income Tax Reductions
 - HB 2061 is still in House Tax Committee, 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. Again, this is an issue likely to be resolved later in Session during conference committee.

Other Policy Topics

- Education: Debate on many of the significant education bills, including the education savings account legislation, was delayed until after Turnaround.
- Health: No movement on Medicaid Expansion.
- Marijuana: No movement on medical marijuana, but the House Corrections & Juvenile Justice Committee will hold an informational hearing on the topic of decriminalizing marijuana this week. Senate Federal & State Affairs Committee will also hold a two-day informational hearing on “Multi-State Impact Data on the Legalization of Marijuana.” So, the issue is slowly coming to life for the second half of Session.
- Finally, it’s probably emblematic of this new Legislature figuring out what they can pass, when judged against what might be vetoed, that two bills expected to advance easily were defeated. This week the Senate Tax Committee defeated a bill providing a tax credit for parents of students in non-public or home-schools. The full Senate on Thursday defeated SB 210 that would have allowed candidates in local non-partisan elections to declare a partisan political affiliation and be identified as such on the ballot. Both bills were expected to pass and their failure suggests some uncertainty may exist on a variety of issues.

Health-Related Activities

Both chambers passed several healthcare-related bills this week, which are detailed below. There will be little activity in committees next week, but the normal busy pace will resume Monday, March 6th when committees begin considering bills brought to them from the other chamber.

- Notably so far, no successful push of anti-vaccination proposals.
- While no anti-vaccination bills have advanced thus far, we have seen anti-public health legislation (SB 6) pass the Senate and is headed to the House.
- Senate Health Committee focus, largely, has been social issues: “Women’s bill of rights,” Gender-affirming care, etc.
- House Health Committee has not focused on much legislation at all, with a few exceptions.
- Fentanyl and opioid crisis response in the legislature includes two House bills addressing the need to legalize fentanyl testing strips.

KAAP Activities

- HB 2034 CARE provider network passed the House 121-1. On to the Senate Health Committee.
- SB 233 that would criminalize physicians for providing gender-affirming care, passed the Senate 26-11.
- SB 6 that would hinder public health efforts in responding to disease outbreaks, passed the Senate 22-18.
- HB 2238: Transgender Sports passed the House 82-40.
- 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.
- This week Governor Kelly announced appointments to the Early Childhood Transition Task Force: <https://governor.kansas.gov/governor-kelly-announces-appointments-to-early-childhood-transition-task-force/>

- KAAP provided proponent testimony for HB 2283 in House Insurance Committee this week. HB 2283 would enact the ensuring transparency in prior authorization act to impose requirements and limitations on the use of prior authorization in healthcare. The Kansas Hospital Association, KMS, KAFP, Ascension Via Christi, KU Health System, Salina Regional Health Center, Kansas Dental Association, Kansas Optometric Association, and Kansas Council of Health System Pharmacists. Cigna/eviCore, association of PBMs, Prime Therapeutics, Kansas Employers for Affordable Healthcare, and BCBSKS testified in opposition. The bill is unlikely to advance.

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.
 - Passed the Senate 22-18.
- 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.
 - No movement. Unlikely to advance.

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.
 - Passed out of Senate Health and passed over in the Senate during debate. Still alive for remainder of Session.
- SB 113: Allowing naturopathic doctors to engage in the corporate practice of medicine.
 - Passed the Senate 38-1.
- SB 131: Providing an exemption from licensure requirements for certain out-of-state physicians practicing on a limited basis in the state.
 - Passed the Senate.
- HB 2263: Authorizing pharmacy technicians to administer certain vaccines.
 - On House General Orders.
- SB 176/HB 2340 BSRB licensure bill.
 - HB 2340 passed the House 118-3.

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.
 - Blessed and alive for remainder of Session.

- 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.
 - SB 246 is exempt and alive for remainder of Session.

Dental/Oral 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. No action this Session.

Gender Issues

- SB 233 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.
 - Passed the Senate 26-11.
- HB 2238: Fairness in women's sports act to require that female student athletic teams only include members who are biologically female.
 - Passed the House 82-40.
- SB 180: Establishing the women's bill of rights; providing a meaning of biological sex for purposes of statutory construction.
 - Passed the Senate 26-10.

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 29: Back to School Sales Tax Holiday.
 - Action in Senate Tax after Turnaround.
- 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.
 - Exempt. Alive for remainder of Session.

Child Safety & Development

- SB 82: Requiring schools to establish policies and concussion management teams to prevent and manage concussions within schools.
 - Passed out of Senate Education with amendment to “adjust the membership of the concussion management team to include, to the extent possible, a licensed speech-language pathologist and any other licensed individual deemed appropriate by the school.”
 - Passed over in the Senate.
- 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 30-8.
 - HB 2304: Heard in House Fed & State Affairs Tuesday, 2/21.

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.
 - Added into HB 2398 and passed out of HCJJ.
 - HB 2398 adds the placing of controlled substances into pills into the definition of manufacture, increasing the criminal penalties for manufacturing fentanyl and creating a special sentencing rule to make sentences for distributing fentanyl presumptive imprisonment.
 - HB 2398 Passed the House 121-0.
- 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.
 - Passed the House 121-0.

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 2194: Enacting the Rep. Gail Finney foster care bill of rights.
 - Blessed and alive for remainder of Session.

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-Tuesday, February 27th-February 28th.

No Session.

Wednesday, March 1st.