



Memorandum

Date: February 9th, 2023

Re: Legislative and Policy Report

Overview

Session is certainly in full swing, as committees rush to hold hearings on bills this week and next, before debating bills in both chambers for much of the week of February 20th. Week Five saw an exorbitant amount of bills introduced, though many of these will not advance after the midpoint, or “Turnaround,” on February 24th, the last day for most bills out of their chamber of origin. We apologize for the lengthy lists of bills that have been included in our reports, but after this week the list should not grow any longer since the deadline to introduce bills has passed. We will attempt to retain only those bills with a likelihood of advancing following Turnaround.

Highlights from the Week

1. The first of many major tax cut bills were passed out of committee this week and are on their way to the Senate floor. These include proposals to increase the standard deduction for income taxes, as well as exempting all social security benefits from Kansas income tax.
2. Committees have just one full week left to hear, amend, and advance bills to their respective chambers. Both chambers will spend February 22nd-23rd, and possibly February 24th, debating and passing bills to the other chamber for further action after Turnaround.
3. Despite the high volume of bills introduced this week, the vast majority will not advance, and we will trim our report to reflect that once we reach Turnaround.

Big Picture Issues

Tax Bills

- Food Sales Tax
 - The Governor’s plan to immediately eliminate the state sales tax on food, feminine hygiene products, and diapers was heard in House Tax, the first hearing on the topic this Session. Kansas Department of Revenue shared with the committee than an April 1st implementation date, should the legislature pass a bill expeditiously, would still be possible. It is unclear if the bill will pass out of committee any time soon.
- Social Security Income Tax Reductions.
 - Senate Tax Committee advanced a proposal to the full Senate that would fully eliminate state income tax on social security income.
- Personal, Corporate Income Tax Reductions
 - House Tax will hear HB 2061 on Tuesday and Wednesday, which would provide for a flat tax rate of 5% for individuals and corporations.

Other Policy Topics

- Education: The House K-12 Education Budget Committee has advanced to the full House a bill that would enact a universal education savings account program, allowing students to use their state aid (roughly \$5,100) to attend private school.
- Health: Medicaid Expansion bills, as well as a Senate Medical Marijuana bill, have all now been introduced. Additionally, both health committees will have their busiest week yet next week, with hearings on a variety of bills, including some controversial topics—from gender affirming care to transgender sports.

Health-Related Activities

This week, the budget subcommittees deliberated on KDHE's budget, and next week will tackle the KDADS budget before advancing both to the full Appropriations and Senate Ways and Means Committees for approval. Additionally, the health committees next week will hold hearings on several topics of interest, including public health and the ability to confront disease spread; the ability of medical providers to practice gender-affirming care, and a briefing on Community Health Workers.

KAAP Activities

- House Child Welfare & Foster Care committee advanced HB 2034 CARE Provider Network to the full House.
- KMS testified before the Senate Ways & Means Human Services Subcommittee to request an amendment to KDHE's budget that would provide a 5% across the board rate increase for physicians. The House Committee approved the request, and the Senate is set to do so on Monday, February 13th.

Bills of Note

An abundance of bills was introduced this week ahead of the February 8th deadline for most committees. We attempt to track in particular those that may see action 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/

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.
 - Hearing 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.
- 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.
 - Hearing in Senate Health Thursday, 2/16.
- 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.
 - Passed out of Child Welfare with amendments.
- HB 2263: Authorizing pharmacy technicians to administer certain vaccines.
 - Passed out of House Health Tuesday, 2/7.
- SB 176/HB 2340 BSRB licensure bill.
 - Hearing in House Health Monday, 2/13.

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.
 - Hearing in House Health Tuesday, 2/14.
 - 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.
- Telehealth
 - 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.
 - Hearing in Senate Health this week.

- 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.
 - Hearing 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.
 - Hearing in House Education Monday, 2/13.
- 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.
 - Hearing 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.
 - HB 2050 heard in House Health 2/9 and hearing in Senate Health Monday, 2/13.
- 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.
 - Hearing in House Education, Tuesday 2/14.
- HB 2269: Tobacco 21.
 - Heard in House Federal & State Affairs 2/9.
 - Dr. Eplee, KDOR, KDADS, DCCCA, and KAAP offered testimony in support. The American Heart and Lung Associations offered neutral testimony, instead encouraging passage of HB 2294, a more comprehensive T21 bill that is unlikely to pass. HB 2269 is focused on making sure the state doesn't lose out on federal substance abuse funds.
- HB 2294: Expanded Tobacco 21. (Unlikely to advance).

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 Eagle" bill.
 - Heard 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.
- 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.
- 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.

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 out of Corrections as amended.
- 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 Monday, January 30th.

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 13.

Senate Health. 8:30 AM.

- Hearing on SB 6: Restricting KDHE and local public health authority to prevent the spread of infectious/contagious disease; repealing quarantine authority.
- Hearing on SB 45: Updating CHIP income eligibility requirements.

House Health. 1:30 PM.

- Hearing on HB 2340: BSRB licensure bill.

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

- KDHE budget deliberation.

Tuesday, February 14.

Senate Public Health. 8:30 AM.

- Hearing on SB 12: Prohibiting gender reassignment surgery or prescription of hormone replacement therapy on certain persons; providing grounds for unprofessional conduct for healing arts licensees.

Senate Ways & Means. 10:30 AM.

- KDHE Budget Report Out.

House Welfare Reform. 1:30 PM.

- Discussion and possible action on HB 2140: Increasing the age range of ABAWDs required to complete an employment and training program to receive food assistance.

House Education. 1:30 PM.

- Hearing on 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.

House Health. 1:30 PM.

- Hearing on HB 2259: Providing certain mental health medications be available without prior authorization to treat Medicaid recipients and abolishing the mental health medication advisory committee.

Wednesday, February 15.

Senate Public Health. 8:30 AM.

- Hearing on SB 5: Preventing telehealth prescription abortion.
- Hearing on SB 180: Women's bill of rights to provide a meaning of biological sex for purposes of statutory construction.

House Health. 1:30 PM.

- Presentation on Community Health Workers.

Thursday, February 16.

Senate Health. 8:30 AM.

- Hearing on SB 112: Amending scope of practice for registered nurse anesthetists to allow independent practice within the scope of the licensee's education and qualifications.

House Federal & State Affairs. 9:00 AM.

- Final action on HB 2269 T21.

Friday, February 17.

House Appropriations. 9:00 AM.

- KDHE Budget Report Out, Chairman Mason.