



Memorandum

Date: March 17th, 2023

Re: Legislative and Policy Report

Overview

With just three weeks remaining until First Adjournment, the Legislature is working quickly to wrap up a large volume of work in a short amount of time. The next three weeks will be characterized by committees hearing as many bills as possible and advancing them to their respective chambers. The process to assemble the state's budget is wrapping up, with the full Senate approving their version of the budget on Thursday, March 16th. The House is expected to package and debate its budget sometime next week. Once the mega-budget is assembled, likely sometime next week or early the following week, the budget conference committee will begin meeting to negotiate.

The Legislature will adjourn by Thursday, April 6th, for a roughly two-and-a-half week Spring Break, and return Monday, April 24th for Veto Session. The rumor, and hope, is that the Legislature plans to officially wrap up all of their work by May 1st, which is at least a week earlier than usual.

Highlights from the Week

1. The Senate Federal and State Affairs Committee held the first hearing of the Session on medical marijuana. After a two-day hearing on the topic, the Committee tabled the bill, effectively stalling any further debate on the issue, at least for now.
2. Social issues, unsurprisingly at this point in Session, are heating up, and there are lots of issues moving through the process getting lots of attention from lawmakers. One issue, advanced out of committees on both sides this week, concerns Environmental, Social, and Governance criteria—or ESG—and the state's pension system's policy when it comes to ESG investing. Financial institutions, municipalities, and others have closely tracked the legislation and its potential impacts on investing and contracting. Initially the policy proposal was a negative impact on KPERS of \$3.6 billion over ten years, the legislation on the House side was amended to no longer have an impact on KPERS. Another bill, HB 2390, related to the opioid crisis and that passed the House unanimously a few weeks ago, ran into roadblocks on the Senate side. HB 2390 would decriminalize fentanyl testing strips and has a broad range of legislative support, but the Senate Health Committee tabled the bill on Thursday and will resume debate on Monday. It is unlikely to advance in its current form on the Senate side and will undoubtedly be up for debate in Health Conference Committee. Lastly, the transgender sports bill which has passed both chambers, awaits action by the Governor, and many anticipate a forthcoming veto.

Big Picture Issues

Tax Bills

- Food Sales Tax

- House Tax heard but failed to advance SB 248. SB 248 would provide a total sales tax exemption on all food and food ingredients, both at the state and local levels on January 1, 2024. Municipalities from across Kansas testified about the significant financial impacts this would mean for their communities. While House Tax did not advance the bill, it is still eligible for Tax Conference Committee in the coming weeks.
- Social Security Income Tax Reductions.
 - House Tax heard SB 33, which would exempt all social security and retirement benefits from Kansas income tax. It also increases the Kansas standard deduction by a cost-of-living adjustment.
- Personal, Corporate Income Tax Reductions
 - The House Tax Committee this week heard SB 169, which would provide for a flat tax rate of 4.75% for individuals.
- All these tax bills remain in committees.

Other Policy Topics

- While mostly silent thus far, the issue of vaccinations has surfaced, and the Senate Health Committee will hear two controversial bills next week.
 - SB 315 would require childcare facilities and all educational institutions to grant vaccination exemptions, as well as repeal the meningitis vaccine requirement to live in university student housing.
 - SB 314 would prohibit the KDHE Secretary from requiring COVID-19 vaccination for school children/daycare facilities.
- The House very narrowly passed the school choice bill, 64-61, far below a veto-proof majority. The bill allows families to use the base aid per pupil, roughly \$5,000, for private schools or homeschooling. Also included in the bill is additional funding for special education and teacher pay raises, but despite those provisions, a gubernatorial veto is still highly anticipated. Before any possibility of a veto, the bill goes back to the Senate for its approval.

Health-Related Activities

The Statehouse was bustling this week on Wednesday, with the annual rally for KanCare Expansion. Despite continued efforts to expand Medicaid, neither health committee has taken any action. Health committees heard and worked several bills this week, but few of note, for the most part.

Senate Health did attempt to work HB 2390, which would decriminalize fentanyl test strips. However, the Chair brought an amendment that would effectively gut the bill and instead simply give the KDHE Secretary the authority to collect data on overdose deaths. A substitute motion was made to add back in the provisions to decriminalize fentanyl testing strips, but the substitute motion failed. The original motion to gut the bill stalled on a 4-4 vote, and the committee will resume efforts on the bill Monday, 3/20.

Additionally, the Senate Federal and State Affairs Committee, after two days of hearings on medical marijuana, tabled the bill, effectively delaying any momentum on the legislation. This most recent action by the committee suggests that passage of medical marijuana this Session may

not happen. We will see where the issue goes as the end of Session nears and as negotiation on big issues between the Governor and legislative leadership heats up.

KAAP Activities

- Senate Public Health advanced HB 2034 CARE Provider Network out of Committee on Wednesday, March 15th, with two amendments.
- HB 2238: Transgender Sports awaits Governor response (veto anticipated).
- 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.
- Anti-Vaccination hearings coming up next week in Senate Health.

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, but new bill introduced this week, SB 315, which has a hearing on Tuesday in Senate Health.
- SB 315: 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.
 - Hearing in Senate Health Tuesday, March 21st, 8:30 AM.
- SB 314: Prohibiting KDHE Secretary from requiring COVID-19 vaccination for children attending a daycare facility or school.
 - Hearing in Senate Health Wednesday, 3/22, 8:30 AM.

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 131: Providing an exemption from licensure requirements for certain out-of-state physicians practicing on a limited basis in the state.
 - Passed the Senate.
 - Heard and passed out of House Health.
- HB 2263: Authorizing pharmacy technicians to administer certain vaccines.

- Passed the House 119-3.
 - Heard in Senate Health 3/15.
- HB 2340 BSRB licensure bill.
 - Passed the House 118-3.
 - Hearing in Senate Health Monday, 3/20.

Access to Care

- Mental Health in Schools
 - HB 2444: Establishing the school district mental health intervention team program in statute to provide coordinated mental health services for students among school districts and CMHCs.
 - Heard in House K-12 Budget on 3/8.
 - Added to education budget bill, Sub for SB 113.
- 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: 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 2453: Enacting the dentist and dental hygienist compact to provide interstate practice privileges for dentists and dental hygienists.
 - Informational hearing in House Health 3/15.

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.
 - No action yet in House.
- 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.
 - Passed the Senate 28-11.

- Awaiting Governor response.
- 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.
 - Amended in committee to establish exemptions for individuals with disorders relating to sexual development. Passed out of committee as amended.

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.

Child Safety & Development

- SB 282: Establishing child care licensing requirements relating to license capacity and staff-to-child ratios, eliminating certain license fees and training requirements, permitting a 16 year-old staff member to staff a unit with children at least 12 months old without supervision, creating a process for day care facility licensees to apply for temporary waiver of certain statutory requirements and authorizing the secretary to develop and operate pilot programs to increase day care facility availability or capacity.
 - Heard in Senate Commerce 3/8.
 - Likely action in Senate Commerce Monday, 3/20.
- HB 2269: Tobacco 21.
 - Passed the House 68-53.
 - Hearing in Senate Federal & State Affairs Wednesday, 3/22, 10:30 AM.

Gun Safety

- HB 2304/SB 116: Standardizing firearms safety programs in school districts. "Eddie Eagle" bill.
 - SB 116: Passed the Senate 30-8.
 - HB 2304: Passed the House 78-43. Hearing in Senate Fed and State Wednesday, 3/22.

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.
 - Heard in Senate Health on 3/9.
 - Senate Committee tabled debate on the bill until Monday, 3/20.

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.
 - Heard in Senate Judiciary 3/8, but it will most likely not advance out of Senate Judiciary.
- HB 2033: Changing the criteria used to refer and admit juveniles to a JCIC.
 - Passed the House 123-0.
 - Heard in Senate Health 3/6 and passed out of committee 3/15.
- HB 2194: Enacting the Rep. Gail Finney foster care bill of rights.
 - Blessed and alive for remainder of Session.
- HB 2443/SB 232: Office of the Child Advocate.
 - HB 2443 heard in Child Welfare and Foster Care on 3/6. Committee passed out the bill with the following amendments:
 - Modified Board membership,
 - Allowed for suspension/removal of Board members and for the filling of vacancies created by such action,
 - Provide for election of Board leadership positions,
 - Add limitation with respect to complaints filed and reviewed by the Child Advocate; and,
 - Add additional qualification that could be considered when appointing the Child Advocate.
 - SB 232 passed the Senate 39-0 on February 23rd. Child Welfare and Foster Care will hear the bill on Monday, 3/20, 1:30 PM. The issue will be resolved in conference committee.

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, March 20th.

Senate Commerce. 10:30 AM.

- Possible final action on SB 282: Childcare licensing, facilities, ratios, etc.

House Health. 1:30 PM.

- Hearing on HB 2439: Requiring notification to patients that the effects of a medication abortion may be reversible.

Child Welfare & Foster Care. 1:30 PM.

- Hearing on SB 232 Office of Child Advocate.
- Final action on SB 115: Changing the lists of persons who are required to be given notice of the hearing on a petition for an independent or stepparent, private agency or public agency adoption.
- Final action on HB 2361: Limiting when the court is required to give preference to a relative for the custody for adoption of a child in need of care.

Tuesday, March 21st.

Child Welfare & Foster Care. 1:30 PM.

- Informational Briefing on foster children attorney representation.

Wednesday, March 22nd.

Senate Federal & State Affairs. 10:30 AM.

- Hearing on HB 2269: Tobacco 21.
- Hearing on HB 2304: Standardizing firearm safety programs in schools (Eddie Eagle gun safe program).

Joint Corrections & Juvenile Justice and Child Welfare Meeting. 1:30 PM.

- Topic: Instability and placement study from DCF.

House Education. 1:30 PM.

- Hearing on HB 2427: Requiring school districts to provide separate accommodations for students of each biological sex on overnight school sponsored trips.

Senate Education. 1:30 PM.

- Hearing on SB 255: Requiring school districts to provide separate accommodations for students of each biological sex on overnight school sponsored trips

Thursday, March 23rd.

Welfare Reform. 1:30 PM.

- Roundtable discussion on homelessness.