



## Memorandum

Date: March 23<sup>rd</sup>, 2023

Re: Legislative and Policy Report

### Overview

The last week of regular committee meetings has wrapped up, leaving just two more weeks before First Adjournment on April 6<sup>th</sup>. Over the next two weeks, conference committees will meet and both chambers will debate bills on the floor.

It was the last week for committees to meet and they advanced many issues quickly—to the consternation of many lawmakers—for debate before the end of next week. As always happens in these last weeks, committees combine several controversial policy topics, particularly related to health and education, so that they become eligible for conference committee.

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

### Highlights from the Week

1. We continue to see mixed messages on public health issues. Following an abbreviated hearing on a bill that would require vaccination exemptions, as well as repeal the meningitis vaccination requirement for university student housing, the Senate Health Committee failed to advance the bill out of Committee. However, the Committee did advance another vaccine bill, SB 314, that would prohibit KDHE from requiring the COVID-19 vaccination for children attending childcare facilities or school.
2. The House will debate and pass its budget early next week. The Senate passed its budget last week. The Budget Conference Committee will begin meeting late next week. Following the Legislature's Spring Break next month, the revised, or Omnibus, budget bill will be finalized and sent to the Governor for review and approval. On April 20<sup>th</sup>, the updated Consensus Revenue Estimates (CRE) will release the next eighteen months of revenue projections, giving lawmakers the latest estimates for the state's economic outlook they utilize when making final budget decisions and negotiations.

### Big Picture Issues

#### Tax Bills

- Food Sales Tax
  - The elimination of the state sales tax on food will get negotiated in conference. Efforts to exempt the local portion of the tax have cooled. It is likely the House position in Conference Committee will be an accelerated elimination of the state sales tax on food, potentially by July 1, 2023, as opposed to January 1, 2025 in current law that was passed last year.
- Social Security Income Tax Reductions.

- The Senate has passed 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. House Tax has heard the bill and has its own proposal, so this issue will be negotiated in Conference Committee.
- Personal, Corporate Income Tax Reductions
  - House Tax has heard its comprehensive tax bill, HB 2457, which includes various income, property, and sales tax provisions. Many of those provisions will likely be the House position in Tax Conference Committee.
  - Flat tax proposals will also likely be negotiated in conference.

#### Other Policy Topics

- The Senate this week narrowly (21-17) passed legislation that makes changes to the state's childcare regulations. The legislation makes changes to education and licensing requirements, as well as alters current staff to child ratios. The childcare community opposes the bill.
- This week the House passed the education budget, which provides funding for the state's public school system for the next two years. The bill, Substitute for SB 113, also includes some policy provisions, including mental health intervention services in schools; continuation of the statewide 20 mill levy for schools; authorizing districts to compensate school board members; and a handful of other policies.

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

After several weeks of relatively sparse agendas, both Health committees worked overtime to advance bills out of committee. Among the issues advancing this week included comprehensive childcare licensing/regulation changes; COVID-19 vaccination legislation; and watered-down legislation that would have addressed the opioid crisis and decriminalizing fentanyl testing strips. Also advancing are two highly controversial bills that previously passed the Senate, but which were bundled into other legislation this week in preparation for conference committee: SB 6 (anti-public health response/authority) and SB 233 (prohibiting gender-affirming care). Senate Health will work Friday, March 24<sup>th</sup>, to hear three more bills and possibly work additional bills. Potentially the last health bill to be heard this year is on Friday, March 24<sup>th</sup>, on Senate Bill 234 that would require governmental entities to obtain written consent to collect, use, or share health information. We will update any significant changes that may occur on Friday.

#### **KAAP Activities**

- CARE Provider Network, HB 2034, is on Senate General Orders. The Senate may debate the bill next week, or it may go to conference committee.
- Governor vetoed HB 2238: Transgender Sports. Sustaining the override will be nearly impossible, as the bill passed with a veto proof majority in the Senate, and only two votes shy of veto-proof majority in the House.
- 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 committee beginning next week.
- SB 315—expanding vaccine exemptions and repealing the meningitis vaccine requirement—failed to advance out of Senate Health. However, the committee advanced

SB 314, which prohibits KDHE from requiring COVID-19 vaccinations for children attending childcare or school.

- SB 233 Gender Reassignment Surgery. Passed the Senate 26-11. Senate Health added SB 233 to HB 2263 in advance of conference committee.

### **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/](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.
  - Contents of SB 6 added into HB 2390 and passed out of Senate Health.
- 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.
  - Heard in Senate Health Tuesday, March 21<sup>st</sup>.
  - Committee attempted to work the bill on 3/23, but failed to advance the bill out of committee.
- SB 314: Prohibiting KDHE Secretary from requiring COVID-19 vaccination for children attending a daycare facility or school.
  - Heard in Senate Health Wednesday, 3/22.
  - Advanced out of committee 3/24.

### **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.

- Passed out of Senate Health 3/22 with contents of SB 233 included (prohibiting gender affirming care).
- HB 2340 BSRB licensure bill.
  - Passed the House 118-3.
  - Heard and advanced out of Senate Health.

#### 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, which passed the House 75-48 on 3/23.
- Governmental entities and health data.
  - SB 234: Prohibiting governmental entities from sharing or transmitting social care information into a closed loop referral system. Requires individual's written consent for personal health data to be saved or shared.
  - Hearing in Senate Public Health and Welfare 3/24.
- 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.

#### 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.
  - Senate Health added SB 233 to HB 2263 in advance of conference committee.
- 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.
  - Governor vetoed on 3/17.

- 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

- 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.

#### Child Safety & Development

- SB 282/Sub for HB 2344: Major childcare licensing and ratio bill. Establishes and updates law regulating childcare centers and childcare homes. Provides license capacity and staff-to-child ratios, staffing requirements, and professional development training.
  - Heard and passed out of Senate Commerce with several amendments.
  - Passed the Senate on 3/22.
  - Several of the amendments were added in response to opponents’ concerns regarding ratios and child safety, as well as the age of the supervising individual. Those changes are reflected in the summary below.
  - Summary of the bill as amended. License capacity and staff-to-child ratio tables can be found on pages 8 and 10 of the summary:  
[http://kslegislature.org/li/b2023\\_24/measures/documents/supp\\_note\\_hb2344\\_02\\_0000.pdf](http://kslegislature.org/li/b2023_24/measures/documents/supp_note_hb2344_02_0000.pdf)
- HB 2269: Tobacco 21.
  - Passed the House 68-53.
  - Heard in Senate Federal and State Affairs 3/22.

#### 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. Passed out of Senate Federal and State Affairs.
  - To be negotiated in conference.

#### 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 gutted the bill to only give KDHE authority to collect data on overdose deaths. <https://kansasreflector.com/2023/03/20/kansas-senate-committee-moves-to-block-use-of-fentanyl-test-strips-to-stem-overdose-deaths/>
  - The Committee also added the contents of SB 6 (anti-public health) to HB 2390.
  - Possible negotiation in Health conference.

#### 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.
  - Passed out of Child Welfare Committee.
- 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 23<sup>rd</sup>. SB 232 hearing in House Child Welfare delayed.

#### **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, March 27<sup>th</sup>-Wednesday, March 29<sup>th</sup>.*  
Floor debate in both chambers.

*Thursday, March 30<sup>th</sup>-Friday, March 31<sup>st</sup>.*  
Conference Committees begin meeting.