



## Memorandum

Date: March 10<sup>th</sup>, 2023

Re: Legislative and Policy Report

### Overview

The ninth week of the Session is surely one of the busiest, as the work to assemble the state budget begins in earnest, and bills that have passed one chamber make their debut on the opposite side. The next two weeks will be full of hearings on familiar bills, just in the opposite chamber. During the week of March 27<sup>th</sup>, both chambers will debate bills on the floor, and there will be no regular committee work, except for conference committees. The budget should be concluded by that time as well. No later than April 6<sup>th</sup> the regular session will conclude.

### Highlights from the Week

1. The major tax bills continue to make their way through the process. Both a Senate flat tax bill, as well as the Senate bill to eliminate both the state and local portion of the food sales tax have hearings in House Taxation early next week.
2. February tax collections exceeded estimates by \$37 million, and the trend of revenues exceeding estimates (30 out of the last 31 months) will surely be a topic during debate over the state budget. Additionally, there are some significant proposals—from a flat tax to a KPERs investment policy bill to another potential APEX project—that have hefty price tags in the billions of dollars that will also be front and center during budget deliberations.
3. While the issue has been dormant much of the Session, the first hearings on medical marijuana will take place next week in Senate Federal and State Affairs.

### Big Picture Issues

#### Tax Bills

- Food Sales Tax
  - House Tax will hear SB 248 on Monday. The Senate amended the bill from a reduction only on “healthy foods,” to a total sales tax exemption on all food and food ingredients, both at the state and local levels. The Governor and all local government entities are pushing back hard on the proposal.
- Social Security Income Tax Reductions.
  - The Senate passed SB 33, which would exempt all social security benefits from Kansas income tax. House Tax will hear SB 33 on Tuesday.
- 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

- Transgender sports was a hot topic this week, with the Senate passing the bill, HB 2238, sent to them from the House a week earlier. The Governor will soon have to decide about vetoing the bill.
- Next week the House is expected to debate the school voucher bill.

### **Health-Related Activities**

The budget process took a strange turn of events this week. We're not sure how it will play out, but we should know more by the end of next week. This week both the House and Senate budget committees assembled their budget bills and made some significant changes to the process. Both budget committees have largely moved to remove most of the enhancements made by the subcommittees, including many of the KDHE, KDADS, and DCF budget recommendations. Many of these enhancements will be moved to the conference committee process in a few weeks for consideration instead. Next Wednesday, House Appropriations will consider adding back in select enhancements. The Senate, on the other hand, removed many items and will discuss removed items during conference committee in a couple of weeks. The removal of much of the enhancements is a strategic move by House and Senate leadership in the lead up to conference committees.

### **KAAP Activities**

- Senate Public Health heard HB 2034 CARE provider network on Wednesday, 3/8. The committee will work bills over the next two weeks.
- HB 2238: Transgender Sports passed the Senate 28-11 and is headed to the Governor for a likely veto.
- 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 budget conference in two weeks.

### **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.
- 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 131: Providing an exemption from licensure requirements for certain out-of-state physicians practicing on a limited basis in the state.
  - Passed the Senate.
  - Hearing in House Health Monday, 3/13.
- HB 2263: Authorizing pharmacy technicians to administer certain vaccines.
  - Passed the House 119-3.
  - Hearing in Senate Health Wednesday, 3/15.
- HB 2340 BSRB licensure bill.
  - Passed the House 118-3.
  - No hearing yet scheduled in the Senate.

#### 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.
- 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.

#### 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.
- 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.
- Passed out of House Health.

#### 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 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.
  - Proponents: Kansas Chamber; Opportunity Solutions Project; Stormont-Vail Health; Americans for Prosperity; Boys & Girls Club; Wichita Regional Chamber of Commerce, and a couple of childcare centers.
  - Opponents: KDHE; Childcare Aware of Kansas; Childcare Providers Coalition of Kansas; Kansas Action for Children, United Methodist Health Ministry Fund, and a handful of childcare providers.
  - Kansas Children's Cabinet provided neutral testimony.
  - <https://kansasreflector.com/2023/03/08/proposed-kansas-solution-to-child-care-shortage-slash-staff-training-expand-adult-to-child-ratio/>
- HB 2269: Tobacco 21.
  - Passed the House 68-53.

#### 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.

## 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.

## 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 this week, 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 this week.
- 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/](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 13<sup>th</sup>.*

House Taxation. 3:30 PM.

- Hearing on SB 248 exemption of state and local sales tax on food.

*Tuesday, March 14<sup>th</sup>.*

Welfare Reform. 1:30 PM.

- KDHE Briefing on Medicaid 101 Presentation and Recent Changes in Medicaid Funding.

*Wednesday, March 15<sup>th</sup>.*

Senate Public Health. 8:30 AM.

- Hearing on HB 2263 allowing pharmacy technicians to administer certain vaccines.

House Appropriations. 9:00 AM.

- Discussion on Social Services Enhancements for KDADS.

Senate Federal & State Affairs. 10:30 AM.

- Hearing on SB 135 medical marijuana. (Proponents & Neutral).

Child Welfare & Foster Care. 1:30 PM.

- Final action on HB 2443 Office of the Child Advocate.
- Final action on HB 2194 Foster care bill of rights.
- HB 2299 Directing DCF to consider foster parents as prospective adoptive parents under certain circumstances.

*Thursday, March 16<sup>th</sup>.*

Senate Federal & State Affairs. 10:30 AM.

- Hearing on SB 135 medical marijuana (Opponents).

Welfare Reform. 1:30 PM.

- KDHE Briefing on Medicaid Eligibility Redetermination Process.