



Memorandum

To: Kansas Chapter American Academy of Pediatrics
From: Little Government Relations
Date: March 30th, 2023
Re: Legislative and Policy Report

Overview

The Legislature officially adjourned for the week on Wednesday evening, following three long days of debate in both chambers and will return Monday. All major issues remain unresolved and conference committees will work overtime to wrap up their work sometime on Thursday, April 6th. To the surprise of many, the customary conference committees did not meet in advance of the last week. This means that conference committees will work with less time (and later) to come to agreements for both chambers' approval.

As a reminder, at this point in the Session in particular, the conference committee process is often difficult to follow, confusing, and seemingly non-transparent to the public. Oftentimes, bills and issues are bundled together that have not previously been widely discussed. That is simply part of the process and procedures of how things work. As always, we will do our best to keep you informed in a timely manner and attempt to translate a chaotic process into the information you need. Additionally, the conference committee process is different than that of a regular bill, in that when both chambers debate a negotiated Conference Committee Report, or "CCR," no amendments are allowed. When chambers vote on CCRs, they simply vote yes or no and the CCR cannot be further amended than what was negotiated in the conference committee.

All of the major issues—education policy and budget, the state budget, health issues from vaccinations to gender issues to changes in childcare regulations, and all tax policies—will be negotiated next week in conference committees in just four days. We expect, to get all of this work done, the Legislature will likely work well into the early hours of Friday morning, April 7th.

Highlights from the Week

1. The House passed its budget and its major tax bill this week. The comprehensive income, food sales tax, and property tax bill (more details below) passed the House 94-30.
2. Notably, the Senate failed to pass SB 309, the Senate President's bill creating a fund for municipalities to recoup funds should the Legislature choose to exempt both the state and local sales tax on groceries. This is yet another indication that the majority of the Legislature does not want to exempt the local sales tax on food. Additionally, the House's tax bill accelerates the exemption of the state sales tax on food to July 1, 2023, as opposed to the gradual reduction to zero by January 1, 2025, as passed by the Legislature last year.

Big Picture Issues

Tax Policy

- Both chambers passed several significant tax bills this week, most notably the House passing its comprehensive tax bill estimated to cost the state \$1.4 billion over the next three years. At a high level, the bill contains the following income, sales, and property tax provisions:
 - Increases the standard deduction for single filers from \$3,500 to \$4,000.
 - Indexes the standard deduction amount to inflation.
 - Removes the social security cliff and creates a gradual phase-in up to \$100,000.
 - Eliminates the three different tax brackets and instead creates a flat rate of 5.25%.
 - Increases the statewide 20 mills residential property tax exemption from \$40,000 to \$80,000.
 - Accelerates the elimination of the state sales tax on food to July 1, 2023.

Other Policy Topics

- The education conference committee began meeting this week, and will continue its work next week on Sub for SB 83, the school voucher legislation.
- The Senate this week passed two vaccination bills, one that would prohibit KDHE from requiring COVID-19 vaccinations for children, as well as a bill that would expand exemptions for vaccinations, as well as repeals the meningitis vaccine requirement for student housing.
- The House passed its budget after several hours of debate, and amended the bill with the following:
 - Funding of LAVTRF beginning in 2025.
 - Additional transparency measures for state agencies for state or federal grant dollars awarded by state agencies.
 - Prohibiting state agencies from increasing FTEs in FY 2024.
 - The budget conference committee begins meeting Monday.

Health-Related Activities

Most health-related issues remain unresolved and will be negotiated in Health Conference Committee over the next week. Those issues include:

- Vaccination exemptions, including repeal of meningitis vaccination requirement.
- Efforts to curb public health response to contagious disease outbreaks, infections, etc.
- Several gender-related policies, including prohibiting, and criminalizing, doctors for performing gender-affirming care.
- Decriminalizing fentanyl testing strips.
- Budget enhancements in a variety of areas.
- Physician rate increase. KMS has requested a 5% across-the-board physician rate increase and the exact amount will be decided in the budget conference committee.
- Changes to childcare licensing, regulations, and education requirements.

KAAP Activities

- CARE Provider Network, HB 2034: Awaits action in conference.
- 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. Awaits action in conference.
- Vaccination bills: Awaits potential action in conference committee:
 - SB 315: Expands vaccine exemptions and repeals the meningitis vaccine requirement
 - SB 314: Prohibits KDHE from requiring COVID-19 vaccinations for children attending childcare or school.
- SB 233 Gender affirming care. Awaits potential action in conference.

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/
All bills listed below are eligible for conference committee.

Vaccinations

- SB 6/HB 2390: 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.
- 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.
- SB 314: Prohibiting KDHE Secretary from requiring COVID-19 vaccination for children attending a daycare facility or school.

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 the Senate 33-6 on 3/29.
- SB 131: Providing an exemption from licensure requirements for certain out-of-state physicians practicing on a limited basis in the state.
 - Passed both chambers.
- HB 2263: Authorizing pharmacy technicians to administer certain vaccines.
 - Also now includes contents of SB 233 (prohibiting gender affirming care).
- HB 2340 BSRB licensure bill.

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.

Gender Issues

- SB 233 Gender Affirming Care.
 - 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.
 - Override attempt next week.
- SB 180: Establishing the women's bill of rights; providing a meaning of biological sex for purposes of statutory construction.
 - Passed both chambers.

Child Safety & Development

- Sub for HB 2344/Sub SB 96: 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.
 - 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
- HB 2269: Tobacco 21.
 - Passed both chambers.

Gun Safety

- HB 2304: Standardizing firearms safety programs in school districts. "Eddie Eagle" bill.
 - HB 2304: Passed the House 78-43 and the Senate 31-8.

Opioid Crisis

- Sub SB 174: Excluding tests to detect the presence of fentanyl, ketamine or gamma hydroxybutyric acid in a substance from the definition of drug paraphernalia.
 - Decriminalizes fentanyl test strips while increasing the penalty for fentanyl manufacturing.
 - 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.
 - Senate and House positions vary greatly on decriminalizing fentanyl test strips.

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 both chambers with amendments to be resolved in conference.
 - Summary of the bill as amended:
http://kslegislature.org/li/b2023_24/measures/documents/supp_note_hb2021_02_0000.pdf
 - House Sub. for SB 73 is similar and has passed the House. They will negotiate in conference.
- 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.
 - Passed the House 124-0.
- HB 2443/SB 232: Office of the Child Advocate.
 - HB 2443 passed the House 116-7.
 - SB 232 passed the Senate 39-0.
 - <https://kansasreflector.com/briefs/kansas-house-passes-proposal-for-independent-child-advocate-to-oversee-foster-care-system/>

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

Friday, March 31st. 9:00 AM.

Joint Committee on Child Welfare System Oversight.

Monday, April 3rd-Thursday, April 6th.

Conference Committees & Chambers approve CCRs.

Wrap Up

Let us know if you have any questions.

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