



Memorandum

To: Denae Hart, Kansas Chapter American Academy of Pediatrics
From: Little Government Relations
Date: April 7, 2023
Re: Legislative and Policy Report

Overview

The Legislature officially adjourned around 4:30 AM on Friday, April 7th, and will return on Wednesday, April 26th, for the wrap up session. It was a long week of conference committees meeting well into the evenings to conclude negotiations and both chambers sending bills to the Governor. While the Legislature accomplished a relatively large volume of work in just a few days, much remains unresolved, which may last slightly longer than previously anticipated, given how things wrapped up this week.

This report details, to the best of our ability given the whirlwind of legislative activity, the major issues resolved before the Legislature's adjournment. We may provide an update, including any clarifications and revisions for accuracy, once we are able to more comprehensively analyze everything that happened in the waning hours before First Adjournment.

Highlights from the Week

1. Both chambers worked into the early morning on Friday to pass the first of three main tax bills, Sub SB 169. It includes several incomes tax provisions, as well as a few property and sales tax provisions, notably an acceleration of the elimination of the state sales tax on food by January 1, 2024. Additionally, the bill establishes a single tax rate of 5.15%, which has some questioning a gubernatorial veto; however, the bill passed with a strong majority in the House (85-38) and 24-13 in the Senate.
2. While the House passed Sub SB 83, the school voucher bill, the Senate surprisingly failed to do so on a vote of 17-20 early Friday morning. Thus, both education policy as well as the state's education budget will be resolved during Veto Session.
3. Also of note, the Senate failed to pass a bill that would have both curtailed the ability of KDHE and local health officials to respond to contagious disease outbreaks, as well as expand exemptions for vaccinations. The measure failed in the Senate 19-18. Should the Senate choose to reconsider and pass the bill during Veto Session, it is unlikely it passes the House, but if it does, it certainly does not survive a gubernatorial veto.
4. Both chambers voted to override the Governor's veto of HB 2238, the transgender sports bill.

Items Remaining for Veto Session

There are several items still alive for wrap up-session, including the following:

- Two significant tax bills that include mostly property tax provisions, SB 8 and HB 2002. Both have passed one chamber.

- A handful of health bills, including possible reconsideration of the anti-public health and vaccination bills, as well as continued efforts to decriminalize fentanyl testing strips.
- Renewed attempts at passage of the school voucher bill, Sub SB 83, and the education budget, Sub SB 113.
- Revisions to the budget, including Governor's Budget Amendments, as well as any changes following the latest economic outlook projections from the state's fiscal analysts.

Health-Related Activities

Many health-related issues were resolved pending a final assessment and potential vetoes. Those issues include:

- Vaccinations: Failed to pass on the last night of the regular session but it will be back during the wrap up session. Vaccination exemptions based on sincerely held beliefs even if not religious passed the House and Senate in the conference committee report on 2390 that included the contents of SB 6, SB 314, and SB 315 (without meningitis). The provisions include limiting KDHE and local public health officials' authority to curb public health response to contagious disease outbreaks, infections, etc. It also allows a personally asserted exemption to vaccines in schools and childcare. The agreement did not include repeal of the meningitis vaccination requirement.
- The Legislature in the conference committee report on SB 26 includes the contents of SB 233 Several gender-related policies, including prohibiting doctors from performing gender-affirming care, mandating loss of license to practice, and subject to civil action. Passed House 70-52 and Senate 23-12, and may be vetoed.
- The Legislature over-rode the Governor's vote of HB 2238 regarding transgender sports. It is now law.
- Budget enhancements in a variety of areas when the budget was finally approved and sent to the Governor.
- Changes to childcare licensing, regulations, and education requirements in Senate Sub for HB 2344. This controversial bill went to the Governor on a vote of House 77-46 and Senate 21-17, far below the number to override a veto.
- Conference Committee Report HB 2094 (HB 2140 and HB 2141) compels cooperation with child support to receive child-care subsidy; compel work requirements ages 50-59. Passed House 80-12 and Senate 26-12, close to the number that could override a veto.

Issues that were left unaddressed include:

- Decriminalizing fentanyl testing strips did not advance.

KAAP Activities

- CARE Provider Network, HB 2034 passed the Senate 36-1 and the House 110-9.
- Governor vetoed HB 2238: Transgender Sports was overridden by the Legislature.
- \$6.6 million for physician's Medicaid rate increase.
- Vaccination bills: Conference committee report on 2390 includes:
 - SB 315: Expands vaccine exemptions, but the repeal of the meningitis vaccine requirement was removed.
 - SB 314: Prohibits KDHE from requiring COVID-19 vaccinations for children attending childcare or school.
 - Defeated 19-10 (it needs 21 votes), and they will have the votes to pass it during the wrap up session.

- The Legislature in the conference committee report on SB 26 includes the contents of SB 233 Several gender-related policies, including prohibiting doctors from performing gender-affirming care, mandating loss of license to practice, and subject to civil action. Passed House 70-52 and Senate 23-12 and may be vetoed.

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

- In CCR 2390: Failed 19-18 on April 7th but it will be back during wrap up.
 - 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.
 - 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. It does not repeal 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. No action.
- CCR on SB 131 now includes:
 - SB 131: Providing an exemption from licensure requirements for certain out-of-state physicians practicing on a limited basis in the state.
 - HB 2263: Authorizing pharmacy technicians to administer certain vaccines.
 - HB 2340 BSRB licensure bill with the addition of FQHCs, SUD providers, and PRTF.
 - Has not passed either chamber.

Access to Care

- HB 2444—Mental Health Intervention Team program in statute, which currently only allows CMHCs to do that work in schools, was included in the House's proposed KSDE budget (Sub for SB 113). During conference committee negotiations, the Senate sought to allow other providers to participate, the House did not agree and the proposal to make the pilot permanent was withdrawn.

Gender Issues

- Conference Committee Report on SB 26. 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 House 80-12 and Senate 26-12, close to the possibility of overriding a veto.
- 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. Veto overridden.

SB 180: Establishing the women's bill of rights; providing a meaning of biological sex for purposes of statutory construction.

- Passed House 83-41 and Senate 28-12 on way to the Governor.

Child Safety & Development

- 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.
 - 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_020000.pdf
 - House passed 77-46, Senate 21-17. On way to Governor without a veto-proof majority.
- HB 2269: Tobacco 21.
 - Passed both chambers. Awaiting action by the Governor.

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. Governor may veto.

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.

- Passed the House 84-40 but will not advance.

Child Welfare Related Bills and Issues.

- CCR on HB 2021, failed in the Senate 17-18.
- Includes:
 - HB 2021: Expanding the use of the Evidence-Based Program account money to youth not yet in the system.
 - HB 2033: Changing the criteria used to refer and admit juveniles to a JCIC.
- HB 2194: Enacting the Rep. Gail Finney foster care bill of rights.
 - Added to CCR 2024, passed Senate 36-1, House 116-0
- SB 232: Office of the Child Advocate.
 - HB 2443 passed the House 116-7, now in Sub for SB 2070. Passed Senate 40-0.

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, April 24th.

Joint Budget Committee Meeting. 9:00 AM.

- Update on Consensus Revenue Estimates (CRE); Consensus Caseload Estimates; and Governor's Budget Amendments.
- Discussion and possible action on Omnibus bill and Governor's Budget Amendments.

Tuesday, April 25th.

Joint Budget Committee Meeting. 9:00 AM.

- Discussion and possible action on Omnibus bill and Governor's Budget Amendments.

Wednesday, April 26th.

Veto Session begins.

Wrap Up

Let us know if you have any questions.

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