



Memorandum

To: Denae Hart, Acting Executive Director, Kansas Chapter American Academy of Pediatrics
From: Little Government Relations
Date: April 27th, 2023
Re: Legislative and Policy Report

Overview

The Legislature reconvened for the Veto Session on Wednesday, April 26th, after a two-week break following First Adjournment. As of Thursday evening, April 27th, several issues remain unresolved, which are further detailed below. It is likely the Legislature will work late Friday to wrap up their work and go home sometime late Friday or this weekend.

Highlights from the Week

1. The Kansas Senate on Wednesday, to much surprise, failed to override the Governor's veto on the major tax bill, Sub SB 169. This bill would establish a flat tax, as well as eliminate the state sales tax on food, and also includes several other tax relief provisions. On Thursday, the Senate reconsidered the motion to override for a second time, and it failed again on a vote of 25-14.
2. Both the education policy and education budget bills have yet to pass both chambers. As it stands currently, SB 113 includes the K-12 budget and special education funding, and some bad policy. HB 2089 includes the universal school voucher bill.
3. While both chambers overrode several of the Governor's vetoes, there were a handful that were sustained, including the Governor's veto of legislation that would have made significant changes to childcare licensing and regulations, her veto of the bill that would have eliminated the three-day grace period to return advance ballots, as well as her veto of the Eddie Eagle firearm safety curriculum. A full list of veto overrides and attempts is attached at the end of our report.

Items Remaining for Friday/Weekend

There are several items still alive for Veto Session, including the following:

- Possible action on anti-public health and vaccination legislation, including a bill prohibiting mandates of COVID vaccines for children, as well as provisions to curtail public health response to contagious disease outbreaks. It is unclear if the legislation will advance.
- Renewed attempts at passage of the school voucher bill and the education budget.
- Revisions to the budget, including Governor's Budget Amendments, in the Omnibus Budget Bill. The Budget Conference Committee is meeting well into the evening on Thursday to negotiate differences.

Health-Related Activities

In the two weeks since the end of the regular session and the beginning of the Veto Session, the Governor vetoed several bills, including a handful of healthcare measures, most

dealing with abortion. Both chambers must pass a veto override with 2/3 majority. The outcome of healthcare related vetoes and override attempts are as follows:

Sustained Vetoes

- SB 26 prohibiting gender affirming care.
 - Veto override failed in the Senate 26-14.
- HB 2344 changes to childcare licensing and regulations.
 - Veto override failed in the House 81-42.
- HB 2304 “Eddie Eagle” firearm safety program in schools.
 - Veto override failed in the House 83-41.

Overridden Vetoes

- HB 2094 cooperation with child support to receive SNAP benefits; work requirements for ages 50-59 to receive SNAP benefits.
 - House override: 84-40.
 - Senate override: 28-12.
- SB 180 establishing the women’s bill of rights to provide a meaning of biological sex for purposes of statutory construction.
 - House override: 84-40.
 - Senate override: 28-12.

There was little new action taken on healthcare issues, other than a continuation of the Senate Health and House Federal and State Affairs conference committee to negotiate on vaccine-related legislation. The deal is similar to a package negotiated at the end of the regular session, and would combine legislation previously known as SB 6 (anti-public health response to contagious disease) and SB 314 (prohibits mandating COVID vaccines for children). The committee amended the agreement to add back language that would allow KDHE to investigate the causes of contagious/infectious disease.

KAAP Activities

- CARE Provider Network, HB 2034 (CCR 2024) passed the Senate 36-1 and the House 116-0. Approved by the Governor on April 24th.
- \$6.6 million for physician’s Medicaid rate increase.
- Vaccination bills: Conference committee report on 2285 includes:
 - SB 314: Prohibits KDHE from requiring COVID-19 vaccinations for children attending childcare or school.
 - SB 6 anti-public health provisions.
 - Has not passed either chamber.
- Veto of SB 26 (prohibition of gender affirming care) sustained.

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

- Now CCR on HB 2285, includes the following:

- 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. Does allow KDHE Secretary to investigate disease outbreaks.
- SB 314: Prohibiting KDHE Secretary from requiring COVID-19 vaccination for children attending a daycare facility or school.
- Provisions from HB 2390 related only to investigation of overdose deaths.
- CCR brief:
http://kslegislature.org/li/b2023_24/measures/documents/ccrb_hb2285_02_04262_023745.pdf

Scope of Practice/Licensure

- 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 PRTFs.
 - Passed both chambers.
 - CCR Brief:
http://kslegislature.org/li/b2023_24/measures/documents/ccrb_sb131_01_040620_23.pdf

Gender-Related Topics

- Conference Committee Report on SB 26. Formerly 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.
 - Veto override attempt failed in Senate.
- 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.
- Vetoed by Governor.
- Veto overridden by Legislature on 4/27.

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.
 - 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
 - Veto Sustained.
- HB 2269: Tobacco 21.
 - Passed both chambers. Approved by Governor on 4/10.

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 vetoed.
 - Veto Sustained.

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.
 - Passed the House 113-9 and Senate 31-7.

Child Welfare Related Bills and Issues.

- CCR on HB 2021, failed in the Senate 17-18 prior to First Adjournment on April 7th.
- Reconsidered in the Senate during Veto Session and narrowly, and contentiously, passed Senate, 22-16.
- 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 both chambers and approved by Governor.
- Office of the Child Advocate legislation did not advance.

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

ADDENDUM:

Since we issued our weekly report Friday morning, the Legislature passed just a few items on Friday before adjourning:

- The Legislature passed the K-12 education budget that includes full funding for the state's K-12 system including special education. While it also includes an expansion of the low-income student scholarship program, it does not include the education savings account/voucher legislation.
- The Legislature did not attempt to pass the school voucher legislation, knowing that the votes were barely there in either chamber—certainly without a veto-proof majority—and that the Governor would veto the legislation.
- The Legislature also—though very narrowly—passed a conference committee report (CCR) on HB 2285 which would challenge current public health protocols related to contagious/infectious disease outbreaks and spread, as well as prohibits any COVID-19 vaccine mandates for children.
 - CCR Brief can be found here: http://kslegislature.org/li/b2023_24/measures/documents/ccrb_hb2285_02_04262023745.pdf
 - HB 2285 passed the Senate 22-18 and the House 63-56.
 - The Governor will veto the legislation and it will be dead for this Session.
- Finally, the Legislature passed the Omnibus, or reconciliation, budget that makes appropriations for all of the legislation that has passed, as well as for a variety of issues that were unresolved at First Adjournment. For the most part, there are few controversial items in the Omnibus budget, though the Governor still has the ability to line-item veto measures in the Omnibus budget.

Interim topics and meetings will be scheduled early this summer and meetings will take place over the summer and fall.

Wrap Up

Let us know if you have any questions.

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Bill	Contents	Original Vote	Veto Override (House needs 84 and Senate needs 27 to override.)
<u>SB26</u> - Bill by Financial Institutions and Insurance	Creating a civil cause of action against a physician who performs childhood gender reassignment service and requiring revocation of a physician's license who performs childhood gender reassignment service.	http://kslegislature.org/li/b2023_24/measures/SB26/ Senate: Yea: 23 Nay: 12 House: Yea: 70 Nay: 52	Veto Sustained. Failed Senate: Yea: 26 Nay: 14
<u>SB169</u> - Bill by Taxation	Providing an income tax rate of 5.15% for individuals and decreasing the normal tax for corporations, increasing the income limit for the income tax subtraction modification for social security income, increasing the standard deduction by a cost-of-living adjustment, discontinuing the food sales tax credit, decreasing the privilege tax normal tax, establishing a 0% state rate for sales and use taxes for food and food ingredients on	http://kslegislature.org/li/b2023_24/measures/sb169/ Senate: Yea: 24 Nay: 13 House: Yea: 85 Nay: 38	Veto Sustained. Failed Senate: Yea: 25 Nay: 14

	January 1, 2024, and increasing the extent of property tax exemption for residential property from the statewide school levy.		
<u>SB180</u> - Bill by Public Health and Welfare	Establishing the women's bill of rights to provide a meaning of biological sex for purposes of statutory construction.	http://kslegislature.org/li/b2023_24/measures/SB180/ Senate: Yea: 28 Nay: 12 House: Yea: 83 Nay: 41	Overridden. House: Yea: 84 Nay: 40 Senate: Yea: 28 Nay: 12
<u>SB209</u> - Bill by Federal and State Affairs	Requiring all advance voting ballots be returned by 7 p.m. on election day.	http://kslegislature.org/li/b2023_24/measures/SB209/ Senate: Yea: 23 Nay: 14 House: Yea: 76 Nay: 48	Veto Sustained. Failed Senate: Yea: 25 Nay: 15
<u>SB228</u> - Bill by Judiciary	Requiring the secretary for aging and disability services to reimburse counties for certain costs when a person is in a county jail awaiting examination, evaluation or treatment for competency, modernizing statutes concerning county jails, removing the requirement that every county shall have a jail, modifying procedures used when district courts commit prisoners to jail in another county and when counties contract with city jails to keep prisoners and requiring a medical	http://kslegislature.org/li/b2023_24/measures/SB228/ Senate: Yea: 33 Nay: 3 House: Yea: 86 Nay: 37	Overridden. House: Yea: 87 Nay: 37 Senate: Yea: 31 Nay: 9

	examination before certain United States prisoners or city prisoners are taken into custody of a county jail		
HB2094 - Bill by Insurance	Requiring work registrants ages 50-59 to complete an employment and training program to receive food assistance, establishing periods of ineligibility for child care subsidy based on cooperation with child support services and requiring the secretary to conduct reviews of cooperation with child support.	http://kslegislature.org/li/b2023_24/measures/HB2094/ House: Yea: 80 Nay: 42 Senate: Yea: 26 Nay: 12	Overridden. House: Yea: 84 Nay: 40 Senate: Yea: 28 Nay: 12
HB2138 - Bill by Education	Senate Substitute for HB 2138 by Committee on Education - Requiring school districts to provide separate accommodations for students of each biological sex on overnight school district sponsored trips, requiring contracts for exclusive broadcasts of state high school activities association activities to permit certain local broadcasts and providing for administrative review of resolutions to permanently	http://kslegislature.org/li/b2023_24/measures/HB2138/ House: Yea: 84 Nay: 39 Senate: Yea: 28 Nay: 10	Overridden: House: Yea: 85 Nay: 39 Senate: Yea: 30 Nay: 9

	close a school building of a school district.		
HB2236 - Bill by Education	Establishing parents' right to direct the education, upbringing and moral or religious training of their children including the right to object to harmful and inappropriate educational materials.	http://kslegislature.org/li/b2023_24/measures/HB2236/ House: Yea: 76 Nay: 46 Senate: Yea: 23 Nay: 17	Veto Sustained. Failed House: Yea: 78 Nay: 45
HB2238 - Bill by Education	Creating the fairness in women's sports act to require that female student athletic teams only include members who are biologically female.	http://kslegislature.org/li/b2023_24/measures/HB2238/ House: Yea: 82 Nay: 40 Senate: Yea: 28 Nay: 11	Overridden: House: 28 Nay: 12 Senate: Yea: 84 Nay: 40
HB2264 - Bill by Health and Human Services	Requiring notification to patients that the effects of a medication abortion may be reversible and revising the definition of "abortion" to clarify procedures that are excluded from such definition.	http://kslegislature.org/li/b2023_24/measures/HB2264/ House: Yea: 80 Nay: 38 Senate: Yea: 26 Nay: 11	Overridden: House: Yea: 84 Nay: 40 Senate: Yea: 29 Nay: 11
HB2304 - Bill by Federal and State Affairs	Standardizing firearms safety programs in school districts.	http://kslegislature.org/li/b2023_24/measures/HB23304/ House: Yea: 78 Nay: 43 Senate: Yea: 31 Nay: 8	Veto Sustained. Failed House: Yea: 83 Nay: 41
HB2313 - Bill by Representatives Sanders,	Creating the born-alive infants protection act to provide legal protections for infants who are	http://kslegislature.org/li/b2023_24/measures/HB2313/ House: Yea: 86 Nay: 36 Senate: Yea: 31 Nay: 9	Overridden: House: Yea: 87 Nay: 37 Senate: Yea: 31 Nay: 9

	born alive regardless of the intent of the delivery.		
HB2325 - Bill by Insurance	Amending the definition of "healthcare provider" for purposes of the healthcare provider insurance availability act to include maternity centers and not include facilities where elective abortions are performed.	http://kslegislature.org/li/b2023_24/measures/HB2325/ House: Yea: 83 Nay: 40 Senate: Yea: 33 Nay: 6	Veto Sustained. Failed Senate: Yea: 25 Nay: 15
HB2344 - Bill by Commerce	Senate Substitute for HB 2344 by Committee on Commerce - Establishing child care licensing requirements relating to license capacity and staff-to-child ratios, eliminating certain license fees and training requirements, creating a process for day care facility licensees to apply for a temporary waiver of certain statutory requirements and authorizing the secretary to develop and operate pilot programs to increase child care facility availability or capacity.	http://kslegislature.org/li/b2023_24/measures/HB2344/ House: Yea: 77 Nay: 46 Senate: Yea: 21 Nay: 17	Veto Sustained. Failed House: Yea: 81 Nay: 42
HB2350 - Bill by Corrections and Juvenile Justice	Creating the crimes of human smuggling and aggravated	http://kslegislature.org/li/b2023_24/measures/HB2350/ House: Yea: 96 Nay: 26 Senate: Yea: 36 Nay: 2	Overridden. House: Yea: 85 Nay: 39

	human smuggling and providing penalties therefor.		Senate:
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