

## LEGISLATIVE UPDATE

February 8, 2020

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### Legislative Pace Picking Up Speed

After a relatively slow first month of the 2020 legislative session, the pace is picking up speed. February 10<sup>th</sup> is the deadline for the introduction of new bills in most committees and, then, the Legislature has just under three weeks to get non-exempt bills out of their first committee and through their chamber of origin, before first “turnaround.”

This next week will see two primary KAFP issues having hearings. Both of these occur Thursday, one in House Federal and State Affairs and the other in House Education. The first of these is HB 2563, which would remove all flavors, with the exception of menthol, from e-cigarettes sold to youth under age 21.

While some anti-tobacco entities are committed to opposing anything that does not ban all flavors, others see this as a strong step forward in preventing youth access and addiction to tobacco and vaping products.

The bill was drafted in a partnership between Rep. John Eplee (R-Atchison), who is a longtime KAFP member and leader, and the Federal and State Affairs chairman, Rep. John Barker (R-Abilene). These two legislators were originally quite far apart in their support of such legislation, but were able to craft a careful compromise bill that would also allow for increased fees and fines for sellers who distribute to underage youth illegally.

The second key bill hearing this week is on a vaccination bill that proposes transferring control of vaccination oversight from KDHE, to the Legislature.

The bill, which has yet to be given a number and printed, is a response to heavy pushback from those who believe the choice to vaccinate students should rest with parents, not with KDHE school-entry mandates. Most of the “research” they cite has either been debunked or otherwise shown not to be scientifically credible. It is, though, a highly-charged and emotional issue for those opposing vaccination mandates.

**Special note:** Rep (Dr.) Eplee has requested as many physicians as can to come to the Thursday hearing on vaccinations. Dr. Chad Johanning, Lawrence, will be testifying on behalf of KAFP.

### Medicaid Expansion, SB 252

Discussions and action on SB 252, in the Senate Public Health and Welfare Committee, have been deferred to Monday and Tuesday of this week. The Legislature took Wednesday off, in recognition of the Chiefs celebration, and Thursday the committee heard from Attorney General Derek Schmidt, regarding current legal actions against the Affordable Care Act, which could impact Medicaid expansion in the future.

One issue that may present a significant problem going forward is that Kansans for Life and the Kansas Catholic Conference have stated they refuse to support SB 252 until the Legislature passes a resolution to change the Kansas Constitution that essentially the Legislature would have the power to make laws that restrict or further regulate the practice of abortion. This would send a constitutional amendment on abortion to Kansas voters.

SCR 1613, putting the measure on the August primary ballot, passed the Senate, but failed in the House with a vote of 80 – 43. All constitutional amendment legislation requires a two-thirds majority or 84 votes for passage. A handful of legislators reported voting “no,” only because they want the proposed amendment to go on the November ballot, when more people get out to vote, rather than the August primary, when only about 20% vote.

Following the House's action, Senate President Susan Wagle sent all health-related bills, which could be amendable to Medicaid expansion, back to committee and vowed none of those bills would go forward until the constitutional amendment successfully passes the Legislature. This sets up a significant divide between the Senate president and Senate Majority Leader Jim Denning, who wants Medicaid expansion to move on to a full vote of the Senate.

### **Family Doctor of the Day**

KAFP is again sponsoring the Family Doctor of the Day (FDOD) program during the Kansas legislative session. Licensed physicians, including residents, volunteer to provide mostly-minor health needs to legislators and their staff. The Legislature highly values and appreciates access to these services, especially when so many are away from their hometown primary care physicians.

Appreciation goes out to the following members, who provided FDOD care this past week: **Dr. Jennifer McKenney**, Fredonia; **Dr. LaDona Schmidt**, Lawrence; and **Dr. Rick Rajewski**, Hays. Thank you for your gift of service!

### **KAFP Priority Bills**

- [HB 252](#) – bipartisan bill expanding Medicaid to 138% FPL and implementing a health plan reinsurance program *Status: discussions & possible amendments in S-Public Health & Welfare on 2/5, 2/6*  
**KAFP provided proponent testimony**
- [SB 350](#) - Amending healthcare stabilization fund coverage requirements and membership on the board of governors and providing for the dissolution of the fund, should the Supreme Court rule that caps on non-economic damages in medical cases is unconstitutional. This is a proactive response to the Hilburn ruling.  
*Status: referred to S-Public Health & Welfare*  
**Bill introduced at request of KMS**
- [HB 2412](#) – a bill providing independent and expanded scope of practice to APRNs  
*Status: referred to H-Health & Human Services; possible roundtable discussion on 2/19*
- [HB 2450](#) – a bill request by the Kansas Attorney General to add electronic cigarettes (vapes) to the Clean Indoor Air Act  
*Status: hearing in H-Federal & State Affairs on 1/23*
- [HB 2563](#) - Increasing the minimum age to purchase or possess cigarettes and tobacco products from 18 to 21; prohibiting cigarette vending machines and flavored vaping products  
*Status: hearing in H-Federal & State Affairs on 2/13*  
**KAFP will provide proponent testimony, with recommendation to remove menthol exemption**

### **Committees of Interest: Feb 10-14** (as of publication date)

#### Monday, 2/10

9:30 am, S-Public Health & Welfare, Room 118-N

*Discussion & action on:*

- **SB 252** – *Implementing Medicaid expansion and a health plan reinsurance program*

#### Tuesday, 2/11

9:30 am, S-Public Health & Welfare, Room 118-N

*Discussion & action on:*

- **SB 252** – *Implementing Medicaid expansion and a health plan reinsurance program*

1:30pm, H-Health & Human Services, Room 346-S

*Informational briefing on:*

- *Suicide Prevention Programs*

Wednesday, 2/12

9:00 am, H-Federal & State Affairs, Room 346-S

Hearing on:

- **HB 2563** - *Increasing the minimum age to purchase or possess cigarettes and tobacco products from 18 to 21; prohibiting cigarette vending machines and flavored vaping products.*

Thursday, 2/13

1:30 pm, H-Education, 218-N

*Possible hearing on vaccination bill, that would roll back some current vaccine regulations and transfer oversight from KDHE to the Legislature to determine vaccination schedule*