

LEGISLATIVE UPDATE

March 22, 2020

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COVID-19 Concerns Send Legislature Home Early

Concerns over the COVID-19 contagion brought an early first adjournment to the 2020 Kansas Legislature. This came after the governor announced an executive order providing for the shutdown of in-school-building classes, a temporary moratorium on home foreclosures, and other emergency actions.

Anxiety in the Statehouse grew daily, especially between House leaders, who wanted to quickly finish work on the state's "mega" budget, and the Senate president, who demanded the Legislature stay in session. The tension showed itself in ways such as the Senate taking action to trim the governor's emergency powers, while the House easily approved that in [HCR 5025](#).

The Senate finalized their work late Thursday afternoon with a resolution, SCR 1615, that provided for several future legislative actions:

- Return on April 27, as previously scheduled, unless the Legislative Coordinating Council (state leaders) determines it to be unsafe;
- Sets a May 1 date as the new last day to consider non-exempt bills, leaving time to consider bills still in the pipeline; and
- A final adjournment date, called sine die, of May 21.

The House seemed on course to adjourn shortly thereafter, until some members, urged on by Sen. Ty Masterson (R-Andover), found portions of the resolution to be objectionable and said all senators were not fully informed on SCR 1615 provisions until the Senate passed it by voice vote. By that time, however, the Senate had adjourned and exited the building.

Those objections and questions caused the House to break into caucuses, so House Republican and Democratic leaders could fully explain the resolution to their respective members. It was a critical juncture, because the Legislature cannot adjourn without a joint adjournment resolution passing – and the Senate was not going to return.

Finally, well past 7:00 p.m. on Thursday, the House voted in favor of the resolution and allowed weary members to return home.

Hearing Canceled; Barebones Budget Passed

A hearing on [SB 493](#), addressing the Health Care Stabilization Fund (Fund) has been postponed indefinitely. The bill was drafted at the request of KMS, as a proactive response to a possible application of last year's *Hilburn v. Enerpipe* decision by the Kansas Supreme Court, to medical malpractice cases in the future.

The hearing had been scheduled for Wednesday, but COVID-19 concerns led the Legislature to suspend all hearings on Tuesday and focus on "must-do" bills such as the state budget. Should the Legislature return, as scheduled, on April 27, time has been allotted to advance key legislation before the new May 1 deadline.

The one piece of legislation that absolutely has to be passed every legislative session is a budget bill, providing for state operations through the next fiscal year – this year contained in a conference committee report on [SB 66](#).

This "mega" budget focused primarily on basic state operations, but did include funds set aside for the governor and KDHE secretary *to address COVID-19 needs* while the Legislature is on break. Some additional funding was also provided to local health departments, which haven't seen an increase since 1992. SB 66 now goes to the governor, who does have line-item veto authority, but will likely sign off on most budget items included.

KAFP Priority Bills

- [HB 252](#) – bipartisan bill expanding Medicaid to 138% FPL and implementing a health plan reinsurance program
Status: amended, then voted down in S-Public Health & Welfare; non-exempt
KAFP provided proponent testimony
- [SB 493](#) – 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: hearing in S-Public Health & Welfare on 3/18 suspended
KAFP submitted proponent testimony
- [HB 2412](#) – a bill providing independent and expanded scope of practice to APRNs
Status: referred to H-Health & Human Services; roundtable discussion on 2/19; exempt bill
- [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: passed, as amended, by H-Federal & State Affairs on 2/13; on H-General Orders
KAFP provided proponent testimony, with recommendation to remove menthol exemption
- [HB 2570](#) – Limiting certain Schedule II, III and IV opioid prescriptions to a seven-day supply, with certain exceptions, and allowing pharmacists right to refuse any prescriptions of more than seven days
Status: re-referred to H-Appropriations; re-referred to H-Health & Human Services

Note: many of the bill weblinks go to their fiscal notes(FN) or supplemental notes (SN), rather than the actual bill, as these notes provide more brief and clear descriptions of the bills.

Family Doctor of the Day

In the wake of new restrictions related to the COVID-19 pandemic, the Doctor of the Day Program has been suspended indefinitely.

Legislative Spring Break

The Legislature will be on its Spring Break until, at least, April 27th. Legislative Updates will be suspended during that time, unless there is new legislative news to report. Stay healthy and well!