

Journal of the Senate

FIFTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, April 5, 2019, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with 38 senators present.
Senators Estes and Wilborn were excused.
Invocation by Senator Eric Rucker:

Dear Heavenly Father, as this Easter season approaches we turn our hearts to You with gratitude and joy as we celebrate the resurrection of our Lord. Your willingness to send us Your son to die for our sins is such a wonderful gift it is difficult to fully understand the depth of Your compassion for us.

Help us to receive Your gracious gift with a faith that is acceptable in Your sight. And, let our response be a Christ like love for You and for one another. Amen.

The Pledge of Allegiance was led by President Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 238, SB 239**.
Committee of the Whole, **SCR 1511**.
Federal and State Affairs: **SB 240**.
Transportation: **SB 237**.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 55, the following appointments, submitted by the Governor and Insurance Commissioner to the Senate for confirmation were considered.

Senator Denning moved the following appointments be confirmed as recommended by the Committee on **Agriculture and Natural Resources**, Committee on **Federal and State Affairs** and Committee on **Financial Institutions and Insurance**.

By the Governor

On the appointment to the:

Department of Agriculture:

Michael Beam, At the pleasure of the governor

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen,

Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Nays: Doll.

Absent or Not Voting: Estes, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Racing and Gaming Commission:

Donald Brownlee, At the pleasure of the governor

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Nays: Doll.

Absent or Not Voting: Estes, Wilborn.

The appointment was confirmed.

By the Governor

On the appointment to the:

Department of Wildlife, Parks and Tourism:

Bradford Loveless, At the pleasure of the governor

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Nays: Doll.

Absent or Not Voting: Estes, Wilborn.

The appointment was confirmed.

By the Commissioner of Insurance

On the appointment to the:

Office of the State Securities Commissioner:

Jeffrey Wagaman, Term ends January 09, 2023

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Nays: Doll.

Absent or Not Voting: Estes, Wilborn.

The appointment was confirmed.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 15 submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, on page 1, by striking all in lines 6 through 34;

By striking all on pages 2 through 5;

On page 6, by striking all in lines 1 through 6; following line 6, by inserting:

"New Section 1. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice social work in another jurisdiction, if the board determines that:

(1) The standards for registration, certification or licensure to practice social work at the baccalaureate level in another jurisdiction are substantially the equivalent of the requirements in the social workers licensure act and rules and regulations of the board for licensure as a baccalaureate social worker; or

(2) the applicant demonstrates compliance on forms set by the board, with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice social work at the baccalaureate level for at least 48 of the last 54 months immediately preceding the application, with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of a baccalaureate degree in social work from a regionally accredited university.

(b) The board may issue a license to an individual who is currently registered, certified or licensed to practice social work in another jurisdiction, if the board determines that:

(1) The standards for registration, certification or licensure to practice social work at the master's level in another jurisdiction are substantially the equivalent of the requirements in the social workers licensure act and rules and regulations of the board for licensure as a master social worker; or

(2) the applicant demonstrates compliance on forms set by the board, with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice social work at the master level for at least 48 of the last 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of a master's degree in social work from a regionally accredited university.

(c) Applicants for licensure as a specialist clinical social worker shall demonstrate:

(1) That the applicant meets the requirements of subsection (b);

(2) that the applicant is currently licensed to practice social work at the clinical level in another state; and

(3) competence to diagnose and treat mental disorders by meeting at least two of

the following areas acceptable to the board:

- (A) Passing a national clinical examination approved by the board;
- (B) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or
- (C) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery, stating that the applicant is competent to diagnose and treat mental disorders.

(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6411, and amendments thereto, if required by the board.

New Sec. 2. (a) If, in evaluating any applicant for licensure as a professional counselor, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 65-5804a or 65-5807, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as a professional counselor on a form and in a manner prescribed by the board. The board may issue a provisional license to practice professional counseling. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice professional counseling or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing professional counseling with a provisional license may not use the title "licensed professional counselor" or "licensed clinical professional counselor" or the initials "LPC" or "LCPC," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

New Sec. 3. (a) If, in evaluating any applicant for licensure as a marriage and family therapist, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 65-6404 or 65-6406, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as a marriage and family therapist on a form and in a manner prescribed by the board. The board may issue a provisional license to practice marriage and family therapy. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice marriage and family therapy or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing marriage and family therapy with a provisional license may not use the title "licensed marriage and family therapist" or "licensed clinical marriage and family therapist" or the initials "LMFT" or "LCMFT," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

New Sec. 4. (a) If, in evaluating any applicant for licensure as a master's level

psychologist, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 74-5363 or 74-5375, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for a provisional license as a master's level psychologist on a form and in a manner prescribed by the board. The board may issue a provisional license to practice master's level psychology. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice master's level psychology or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing master's level psychology with a provisional license may not use the title "licensed master's level psychologist" or "licensed clinical psychotherapist" or the initials "LMLP" or "LCP," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

New Sec. 5. (a) If, in evaluating any applicant for licensure as a social worker, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 65-6306, and amendments thereto, or section 1, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as a social worker on a form and in a manner prescribed by the board. The board may issue a provisional license to practice social work. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice social work or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing social work with a provisional license may not use the title "licensed baccalaureate social worker," "licensed master's social worker" or "licensed specialist clinical social worker" or the initials "LBSW," "LMSW" or "LSCSW," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

(d) This section shall be a part of and supplemental to the social workers licensure act.

New Sec. 6. (a) If, in evaluating any applicant for licensure as an addiction counselor, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 65-6610 or 65-6613, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as an addiction counselor on a form and in a manner prescribed by the board. The board may issue a

provisional license to practice addiction counseling. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice addiction counseling or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing addiction counseling with a provisional license may not use the title "licensed addiction counselor," "licensed master's addiction counselor" or "licensed clinical addiction counselor" or the initials "LAC," "LMAC" or "LCAC," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

(d) This section shall be a part of and supplemental to the addiction counselor licensure act.

New Sec. 7. (a) If, in evaluating any applicant for licensure as a psychologist, the board finds that the applicant is deficient in the qualifications or in the quality of the applicant's educational experience required by K.S.A. 74-5310 or 74-5315, and amendments thereto, as applicable, or by rules and regulations adopted by the board, the board may require the applicant to fulfill remedial or other requirements, as the board may prescribe.

(b) A person who is completing requirements prescribed by the board under subsection (a) may apply to the board for provisional licensure as a psychologist on a form and in a manner prescribed by the board. The board may issue a provisional license to practice psychology. A provisional license shall expire upon the earlier of the date that the board issues or denies a license to practice psychology or 12 months after the date of issuance of the provisional license. No provisional license shall be renewed, and no provisional license shall be issued again, upon any subsequent application for the same license level.

(c) A person practicing psychology with a provisional license may not use the title "licensed psychologist" or the initials "LP," independently. The word "licensed" may be used by such person only when preceded by the word "provisional."

Sec. 8. K.S.A. 65-5801 is hereby amended to read as follows: 65-5801. K.S.A. 65-5801 through ~~65-5816~~, ~~65-5818~~, ~~and amendments thereto, and section 2, and amendments thereto~~, shall be known and may be cited as the professional counselors licensure act.

Sec. 9. K.S.A. 65-5807 is hereby amended to read as follows: 65-5807. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice professional counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice professional counseling in the other jurisdiction are substantially equivalent to the requirements of this state; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice professional counseling for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration,

certification or licensing board or agency; and

(C) at least a master's degree in counseling or a related field from a regionally accredited university or college.

(b) Applicants for licensure as a clinical professional counselor shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-5808, and amendments thereto, if required by the board.

Sec. 10. K.S.A. 65-6309 is hereby amended to read as follows: 65-6309. ~~(a) Except as provided in subsections (b) and (c),~~ An applicant shall be exempted from the requirement for any examination provided for herein, if:

~~(1) The applicant proves to the board that the applicant is licensed or registered under the laws of a state or territory of the United States that imposes substantially the same requirements as this act as determined by the board; and~~

~~(2) pursuant to the laws of any such state or territory, the applicant has taken and passed an examination similar to that for which exemption is sought, as determined by the board.~~

~~(b) The board may issue a license to an individual who is currently licensed to practice social work at the clinical level in another jurisdiction if the board determines that:~~

~~(1) The standards for licensure to practice social work at the clinical level in the other jurisdiction are substantially equivalent to the requirements of this state for licensure at the clinical level; or~~

~~(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:~~

~~(A) Licensure to practice social work at the clinical level for at least 60 of the last 66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;~~

~~(B) the absence of disciplinary actions of a serious nature brought by a licensing board or agency; and~~

~~(C) a master's or doctoral degree in social work from a regionally accredited university or college and from an accredited graduate social work program recognized and approved by the board pursuant to rules and regulations adopted by the board.~~

~~(e) Applicants for licensure as a clinical specialist social worker shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the following requirements:~~

~~(1) Passing a national clinical examination approved by the board or, in the absence of the national examination, continuous licensure to practice as a clinical social worker~~

during the 10 years immediately preceding the application; and

~~(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders.~~

~~(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6314, and amendments thereto, if required by the board.~~

~~(e) Upon application, the board shall issue temporary licenses to persons who have submitted documentation and met all qualifications for licensure under provisions of this act, except passage of the required examination, and who have paid the required fee.~~

~~(f)(c) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies a license to practice social work or six 12 months after the date of issuance of the temporary license. No temporary license will be renewed or issued again on any subsequent applications for the same license level. The preceding provisions in no way limit the number of times an applicant may take the examination.~~

~~(g)(d) No person may work under a temporary license except under the supervision of a licensed social worker.~~

~~(h)(e) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.~~

~~(i)(f) Any individual employed by a hospital and working in the area of hospital social services to patients of such hospital on July 1, 1974, is exempt from the provisions of this act.~~

~~(g) A person practicing social work with a temporary license may not use the title "licensed baccalaureate social worker" or "licensed master social worker" or use the initials "LBSW" or "LMSW," independently. The word "licensed" may be used only when followed by the words "by temporary license."~~

Sec. 11. K.S.A. 65-6321 is hereby amended to read as follows: 65-6321. K.S.A. 65-6301 through ~~65-6320, and K.S.A. 65-6321, and amendments thereto, and sections 1 and 5, and amendments thereto,~~ shall be known and may be cited as the social workers licensure act.

Sec. 12. K.S.A. 65-6401 is hereby amended to read as follows: 65-6401. K.S.A. 65-6401 through ~~65-6412~~ 65-6414, and amendments thereto, ~~and section 3, and amendments thereto,~~ shall be known and may be cited as the marriage and family therapists licensure act.

Sec. 13. K.S.A. 65-6405 is hereby amended to read as follows: 65-6405. (a) A person who is waiting to take the examination required by the board may apply to the board for a temporary license to practice as a licensed marriage and family therapist by:

(1) Paying an application fee as established by the board under K.S.A. 65-6411, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6404(a)(1), (a)(2) and (a)(4), and amendments thereto.

(b) (1) A temporary license may be issued by the board after the application has

been reviewed and approved by the board and the applicant has paid the appropriate fee ~~set as established~~ by the board ~~for issuance of new licenses under K.S.A. 65-6411, and amendments thereto.~~

(2) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies the person a license to practice marriage and family therapy or 12 months after the date of issuance of the temporary license.

(3) No temporary license ~~will~~ shall be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

(c) A person practicing marriage and family therapy with a temporary license may not use the title "licensed marriage and family therapist" or the initials "LMFT" independently. The word "licensed" may be used only when followed by the words "by temporary license." ~~such as licensed marriage and family therapist by temporary license, or marriage and family therapist, temporarily licensed.~~

(d) No person may practice marriage and family therapy under a temporary license except under the supervision of a person licensed by the behavioral sciences regulatory board at the independent level.

(e) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such temporary license.

Sec. 14. K.S.A. 65-6406 is hereby amended to read as follows: 65-6406. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice marriage and family therapy in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice marriage and family therapy in the other jurisdiction are substantially the equivalent of the requirements of the marriage and family therapists licensure act and rules and regulations of the board;

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice marriage and family therapy for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a master's degree in marriage and family therapy or a related field as approved by the board from a regionally accredited university.

(b) Applicants for licensure as a clinical marriage and family therapist shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board

or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6411, and amendments thereto, if required by the board.

Sec. 15. K.S.A. 65-6411 is hereby amended to read as follows: 65-6411. (a) The board may fix the following fees, and any such fees shall be established by rules and regulations adopted by the board:

(1) For application for licensure as a marriage and family therapist, not to exceed \$150;

(2) for temporary licensure as a marriage and family therapist, not to exceed \$175;

(3) for original licensure as a marriage and family therapist, not to exceed \$175;

~~(3)~~(4) for renewal for licensure as a marriage and family therapist, not to exceed \$175;

~~(4)~~(5) for application for licensure as a clinical marriage and family therapist, not to exceed \$175;

~~(5)~~(6) for original licensure as a clinical marriage and family therapist, not to exceed \$175;

~~(6)~~(7) for renewal for licensure as a clinical marriage and family therapist, not to exceed \$175;

~~(7)~~(8) for reinstatement of a license, not to exceed \$175;

~~(8)~~(9) for replacement of a license, not to exceed \$20;

~~(9)~~(10) for renewal penalty, an amount equal to the renewal of license; and

~~(10)~~(11) for a wallet card license, not to exceed \$5.

(b) Fees paid to the board are not refundable.

Sec. 16. K.S.A. 65-6611 is hereby amended to read as follows: 65-6611. (a) A person who is waiting to take the examination for licensure as an addiction counselor may apply to the board for a temporary license to practice as a licensed addiction counselor by:

(1) ~~Paying an application a~~ fee for a temporary license fixed under K.S.A. 65-6618, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6610(a)(1), (a)(2) ~~and (a)(4) and (a)(5)~~, and amendments thereto.

(b) A person who is waiting to take the examination for licensure as a master's addiction counselor may apply to the board for a temporary license to practice as a licensed master's addiction counselor by:

(1) ~~Paying an application a~~ fee for a temporary license fixed under K.S.A. 65-6618, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6610(b)(1)(A), (b)(2) ~~and (b)(4)(1)(B), (b)(1)(D) and (b)(1)(E)~~, and amendments thereto.

(c) (1) A temporary license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of new licenses.

(2) Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the date the board issues or denies the person a license to practice addiction counseling or 12 months after the date of issuance of the temporary license.

(3) No temporary license will be renewed or issued again on any subsequent application for the same license level. The preceding provision in no way limits the number of times an applicant may take the examination.

(d) A person practicing addiction counseling with a temporary license may not use the title "licensed addiction counselor" or "licensed master's addiction counselor" or use the initials "LAC" or "LMAC" independently. The word "licensed" may be used only when followed by the words "by temporary license," ~~such as licensed addiction counselor by temporary license, or addiction counselor, temporarily licensed.~~

(e) No person may practice addiction counseling under a temporary license except in a licensed or certified alcohol and other drug abuse program, under the direction of a person licensed by the behavioral sciences regulatory board at the clinical level or a person licensed to practice medicine and surgery.

(f) Nothing in this section shall affect any temporary license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the license as provided under this section at the time of issuance of such license.

Sec. 17. K.S.A. 65-6613 is hereby amended to read as follows: 65-6613. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice addiction counseling in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice as an addiction counselor for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a baccalaureate degree from a college or university approved by the board.

(b) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling at the master's level in another jurisdiction if the board determines that:

(1) (A) The standards for registration, certification or licensure to practice addiction counseling at the master's level in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; and

(B) completion of at least a master's degree from a college or university approved

by the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice addiction counseling at the master's level for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) completion of at least a master's degree from a college or university approved by the board.

(c) The board may issue a license to an individual who is currently registered, certified or licensed to practice addiction counseling at the clinical level in another jurisdiction if the board determines that:

(1) (A) The standards for registration, certification or licensure to practice addiction counseling at the clinical level in the other jurisdiction are substantially the equivalent of the requirements of the addiction counselor licensure act and rules and regulations of the board; and

(B) the applicant demonstrates completion of at least a master's degree from a college or university approved by the board; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure to practice addiction counseling at the clinical level for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency;

(C) completion of at least a master's degree from a college or university approved by the board; and

(D) at least two of the following areas acceptable to the board:

(i) Either coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(ii) three years of clinical practice with demonstrated experience supporting diagnosing or treating substance use disorders; or

(iii) attestation from a professional licensed to diagnose and treat mental disorders, or substance use disorders, or both, in independent practice or licensed to practice medicine and surgery, stating that the applicant is competent to diagnose and treat substance use disorders.

(d) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6618, and amendments thereto, if required by the board.

Sec. 18. K.S.A. 74-5301 is hereby amended to read as follows: 74-5301. ~~This act K.S.A. 74-5301 through 74-5350, and amendments thereto, and section 7, and amendments thereto,~~ shall be known and may be cited as the licensure of psychologists act of the state of Kansas.

Sec. 19. K.S.A. 74-5310 is hereby amended to read as follows: 74-5310. (a) The

board shall issue a license as a psychologist to any person who pays ~~an~~ a nonrefundable application fee prescribed by the board, if required by the board, not in excess of \$225 and, if required by the board, ~~an~~ a nonrefundable original license fee not in excess of \$150, ~~which shall not be refunded~~, who ~~either~~ satisfies the board as to such person's training and experience after a thorough review of such person's credentials and who passes a satisfactory examination in psychology. Any person paying the fee must also submit evidence verified by oath and satisfactory to the board that such person:

- (1) Is at least 21 years of age;
- (2) is of good moral character;
- (3) has received the doctor's degree based on a program of studies in content primarily psychological from an educational institution having a graduate program with standards consistent with those of the state universities of Kansas, or the substantial equivalent of such program in both subject matter and extent of training; and
- (4) has had at least two years of supervised experience, a significant portion of which shall have been spent in rendering psychological services satisfying the board's approved standards for the psychological service concerned.

(b) The board shall adopt rules and regulations establishing the criteria which an educational institution shall satisfy in meeting the requirements established under subsection (a)(3). The board may send a questionnaire developed by the board to any educational institution for which the board does not have sufficient information to determine whether the educational institution meets the requirements of subsection (a) (3) and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the educational institution to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board.

Sec. 20. K.S.A. 74-5315 is hereby amended to read as follows: 74-5315. (a) The board may grant a license to any person who, at the time of application, is registered, certified or licensed as a psychologist at the doctoral level in another jurisdiction if the board determines that:

(1) The requirements of such jurisdiction for such certification or licensure are substantially the equivalent of the requirements of this state; or

(2) the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:

(A) Registration, certification or licensure as a psychologist at the doctoral level for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) a doctoral degree in psychology from a regionally accredited university or college.

(b) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 74-5310, and amendments thereto, if required by the board.

Sec. 21. K.S.A. 74-5316 is hereby amended to read as follows: 74-5316. (a) Upon

application, the board may issue temporary licenses to persons who have met all qualifications for licensure under the provisions of the licensure of psychologists act of the state of Kansas, except passage of the required examination, pursuant to K.S.A. 74-5310, and amendments thereto, ~~who must wait for completion of the next examination~~, who have paid the required application, ~~examination~~ and temporary license fees and who have submitted documentation as required by the board, under the following:

(1) ~~Such temporary licensee shall take the next license examination subsequent to the date of issuance of the temporary license unless there are extenuating circumstances approved by the board. Absent extenuating circumstances approved by the board, a temporary license issued by the board shall expire upon the earlier of the date the board issues or denies a license to practice psychology or two years after the date of issuance of the temporary license. No temporary license shall be renewed or issued again on any subsequent application for licensure under the provisions of the licensure of psychologists act of the state of Kansas. This paragraph shall not limit the number of times that an applicant may take the required examination;~~

(2) the board shall adopt rules and regulations prescribing continuing education requirements for temporary licensees, including, but not limited to, a requirement that temporary licensees shall complete a minimum of 25 contact hours of continuing education during the two-year period of temporary licensure, which shall include a minimum of three hours in psychology ethics;

(3) no person may work under a temporary license except under the supervision of a licensed psychologist as prescribed in rules and regulations adopted by the board; and

(4) the fee for such temporary license may be fixed by the board and shall not exceed \$200, and any such fee shall be established by rules and regulations adopted by the board.

(b) Upon application, the board may issue temporary licenses not to exceed two years to persons who have completed all requirements for a doctoral degree approved by the board but have not received such degree conferral or who have met all qualifications for licensure under provisions of such act, except completion of the postdoctoral supervised work experience pursuant to K.S.A. 74-5310(a)(4), and amendments thereto, who have paid the required application and temporary license fees and who have submitted documentation as required by the board, under the following:

(1) The temporary license shall expire at the end of the two-year period after issuance or if such temporary licensee is denied a license to practice psychology;

(2) the temporary license may be renewed for one additional two-year period ~~after expiration;~~

(3) ~~temporary licensees shall take the license examination pursuant to K.S.A. 74-5310(a)(4), and amendments thereto, subsequent to the date of issuance and prior to expiration of the temporary license unless there are extenuating circumstances approved by the board. no temporary license shall be issued again on any subsequent application for licensure under the provisions of the licensure of psychologists act of the state of Kansas. This paragraph shall not limit the number of times that an applicant may take the required examination;~~

(4) temporary licensees shall be working toward the completion of the postdoctoral supervised work experience prescribed in K.S.A. 74-5310(a)(4), and amendments thereto;

(5) the board shall adopt rules and regulations prescribing continuing education

requirements for temporary licensees, including, but not limited to, a requirement that temporary licensees shall complete a minimum of 25 contact hours of continuing education during the two-year period of temporary licensure, which shall include a minimum of three hours in psychology ethics;

(6) no temporary licensee may work under a temporary license except under the supervision of a licensed psychologist as prescribed in rules and regulations adopted by the board; and

(7) the fee for a renewal of the temporary license may be fixed by the board and shall not exceed \$200 per issuance, and any such fee shall be established by rules and regulations adopted by the board.

(c) A person practicing psychology with a temporary license may not use the title "licensed psychologist" or the initials "LP," independently. The word "licensed" may be used only when preceded by the word "temporary"—~~such as temporary licensed psychologist, or the initials "TLP."~~

(d) This section shall be part of and supplemental to the provisions of article 53 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto.

(e) As used in this section, "temporary licensee" means any person practicing psychology with a temporary license pursuant to subsection (a) or (b)-or-(e).

Sec. 22. K.S.A. 74-5344 is hereby amended to read as follows: 74-5344. Nothing contained in the licensure of psychologists act of the state of Kansas shall be construed:

(a) To prevent qualified members of other professional groups such as, but not limited to, ministers, Christian Science practitioners, social workers and sociologists from doing work of a psychological nature consistent with their training and consistent with any code of ethics of their respective professions so long as they do not hold themselves out to the public by any title or description of services incorporating the words "psychologic," "psychological," "psychologist" or "psychology";

(b) in any way to restrict any person from carrying on any of the aforesaid activities in the free expression or exchange of ideas concerning the practice of psychology, the application of its principles, the teaching of such subject matter and the conducting of research on problems relating to human behavior if such person does not represent such person or such person's services in any manner prohibited by such act;

(c) to limit the practice of psychology of a licensed masters level psychologist or a person who holds a temporary license to practice as a licensed masters level psychologist ~~insofar as such practice is a part of the duties of any such person's salaried position, and insofar as such practice is performed solely on behalf of such person's employer, so long as such practice is under the direction of a licensed psychologist, licensed clinical psychotherapist, a person licensed by the state board of healing arts to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders~~ or insofar as such person is engaged in public speaking with or without remuneration;

(d) to limit the practice of psychology or services of a student, intern or resident in psychology pursuing a degree in psychology in a school, college, university or other institution, with educational standards consistent with those of the state universities of Kansas if such practice or services are supervised as a part of such person's degree program. Nothing contained in this section shall be construed as permitting such persons to offer their services as psychologists to any other person and to accept

remuneration for such psychological services other than as specifically excepted herein, unless they have been licensed under the provisions of the licensure of psychologists act of the state of Kansas, registered under the provisions of K.S.A. 74-5361 ~~to~~ through 74-5371, ~~inclusive~~, and amendments thereto, or granted a temporary license under the provisions of K.S.A. 74-5367, and amendments thereto;

(e) to prevent the employment, by a person, association, partnership or a corporation furnishing psychological services for remuneration, of persons licensed as psychologists under the provisions of the licensure of psychologists act of the state of Kansas;

(f) to restrict the use of tools, tests, instruments or techniques usually denominated "psychological," so long as the user does not represent oneself to be a licensed psychologist or a licensed masters level psychologist;

(g) to permit persons licensed as psychologists to engage in the practice of medicine as defined in the laws of this state, nor to require such licensed psychologists to comply with the Kansas healing arts act;

(h) to restrict the use of the term "social psychologist" by any person who has received a doctoral degree in sociology or social psychology from an institution whose credits in sociology or social psychology are acceptable by a school or college as defined in the licensure of psychologists act of the state of Kansas, and who has passed comprehensive examination in the field of social psychology as a part of the requirements for the doctoral degree or has had equivalent specialized training in social psychology;

(i) to restrict the practice of psychology by a person who is certified as a school psychologist by the state department of education so long as such practice is conducted as a part of the duties of employment by a unified school district or as part of an independent evaluation conducted in accordance with K.S.A. 72-3405, and amendments thereto, including the use of the term "school psychologist" by such person in conjunction with such practice; or

(j) to restrict the use of the term psychologist or the practice of psychology by psychologists not licensed under the licensure of psychologists act of the state of Kansas in institutions for people with intellectual disability, in a juvenile correctional facility, as defined in K.S.A. 2018 Supp. 38-2302, and amendments thereto, or in institutions within the department of corrections insofar as such term is used or such practice of psychology is performed solely in conjunction with such person's employment by any such institution or juvenile correctional facility.

(k) Any person not licensed as a psychologist but who immediately prior to the effective date of this act was engaged in the practice of psychology in accordance with subsection (e) as it existed immediately prior to the effective date of this act under the supervision of a licensed psychologist may continue on and after the effective date of this act to engage in such practice in the manner authorized by subsection (e) as it existed immediately prior to the effective date of this act.

Sec. 23. K.S.A. 74-5375 is hereby amended to read as follows: 74-5375. (a) The behavioral sciences regulatory board may issue a license to an individual who is currently registered, certified or licensed to practice psychology at the master's level in another jurisdiction if the board determines that:

(1) The standards for registration, certification or licensure to practice psychology at the master's level in the other jurisdiction are substantially equivalent to the

requirements of this state; or

(2) the applicant demonstrates, on forms provided by the board, compliance with the following standards adopted by the board:

(A) Registration, certification or licensure to practice psychology at the master's level for at least ~~60~~ 48 of the last ~~66~~ 54 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;

(B) the absence of disciplinary actions of a serious nature brought by a registration, certification or licensing board or agency; and

(C) at least a master's degree in psychology from a regionally accredited university or college.

(b) Applicants for licensure as a clinical psychotherapist shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the requirements of either subsection (a)(1) or (a)(2) and at least two of the following areas acceptable to the board:

(1) Either graduate coursework as established by rules and regulations of the board or passing a national clinical examination approved by the board;

(2) three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders; or

(3) attestation from a professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery, stating that the applicant is competent to diagnose and treat mental disorders.

(c) An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 74-5365, and amendments thereto, if required by the board.

Sec. 24. K.S.A. 74-5376 is hereby amended to read as follows: 74-5376. K.S.A. 74-5361 through ~~74-5374~~ and ~~K.S.A. 74-5375~~, and amendments thereto, and section 4, and amendments thereto, shall be known and may be cited as the licensure of master's level psychologists act.

Sec. 25. K.S.A. 65-6306 is hereby amended to read as follows: 65-6306. (a) The board shall issue a license as a baccalaureate social worker to an applicant who:

(1) Has a baccalaureate degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) has passed an examination approved by the board for this purpose; and

(3) has satisfied the board that the applicant is a person who merits the public trust.

(b) The board shall issue a license as a master social worker to an applicant who:

(1) Has a master's degree from an accredited college or university, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) has passed an examination approved by the board for this purpose; and

(3) has satisfied the board that the applicant is a person who merits the public trust.

(c) The board shall issue a license in one of the social work specialties to an applicant who:

(1) Has a master's or doctor's degree from an accredited graduate school of social work, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) has had two years of full-time post-master's or post-doctor's degree experience under the supervision of a licensed social worker in the area of the specialty in which such applicant seeks to be licensed;

(3) has passed an examination approved by the board for this purpose; and

(4) has satisfied the board that the applicant is a person who merits the public trust.

(d) (1) The board shall issue a license as a specialist clinical social worker to an applicant who:

(A) Has met the requirements of subsection (c);

(B) has completed 15 credit hours as part of or in addition to the requirements under subsection (c) supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study of the following content areas: Psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;

(C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than 350 hours of direct client contact or additional postgraduate supervised experience as determined by the board;

(D) has completed as part of or in addition to the requirements of subsection (c) not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than ~~4,000~~ 3,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than ~~150~~ 100 hours of clinical supervision, including not less than 75 hours of person-to-person individual supervision, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual;

(E) for persons earning a degree under subsection (c) prior to July 1, 2003, in lieu of the education and training requirements under parts (B) and (C) of this subsection, has completed the education requirements for licensure as a specialist clinical social worker in effect on the day immediately preceding the effective date of this act;

(F) for persons who apply for and are eligible for a temporary license to practice as a specialist clinical social worker on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under parts (B), (C) and (D) of this subsection, has completed the education and training requirements for licensure as a specialist clinical social worker in effect on the day immediately preceding the effective date of this act;

(G) has passed an examination approved by the board; and

(H) has paid the application fee.

(2) A licensed specialist clinical social worker may engage in the social work practice and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed specialist clinical social worker shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's

symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed specialist clinical social worker may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(3) Notwithstanding any other provision of this subsection, a licensed master social worker who has provided to the board an acceptable clinical supervision plan for licensure as a specialist clinical social worker prior to the effective date of this act shall be licensed as a specialist clinical social worker under this act upon completion of the requirements in effect for licensure as a specialist clinical social worker at the time the acceptable training plan is submitted to the board.

(4) A person licensed as a specialist clinical social worker on the day immediately preceding the effective date of this act shall be deemed to be a licensed specialist clinical social worker under this act. Such person shall not be required to file an original application for licensure as a specialist clinical social worker under this act.

(e) The board shall adopt rules and regulations establishing the criteria which a social work program of a college or university shall satisfy to be recognized and approved by the board under this section. The board may send a questionnaire developed by the board to any college or university conducting a social work program for which the board does not have sufficient information to determine whether the program should be recognized and approved by the board and whether the program meets the rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the program to be considered for recognition and approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about a social work program of a college or university. In entering such contracts the authority to recognize and approve a social work program of a college or university shall remain solely with the board.

Sec. 26. K.S.A. 2018 Supp. 39-923 is hereby amended to read as follows: 39-923. (a) As used in this act:

(1) "Adult care home" means any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential healthcare facility, home plus, boarding care home and adult day care facility; all of which are classifications of adult care homes and are required to be licensed by the secretary for aging and disability services.

(2) "Nursing facility" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care to compensate for activities of daily living limitations.

(3) "Nursing facility for mental health" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care and special mental health services to compensate for activities of daily living limitations.

(4) "Intermediate care facility for people with intellectual disability" means any place or facility operating 24 hours a day, seven days a week, caring for four or more individuals not related within the third degree of relationship to the administrator or

owner by blood or marriage and who, due to functional impairments caused by intellectual disability or related conditions, need services to compensate for activities of daily living limitations.

(5) "Assisted living facility" means any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week, for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(6) "Residential healthcare facility" means any place or facility, or a contiguous portion of a place or facility, caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes individual living units and provides or coordinates personal care or supervised nursing care available on a 24-hour, seven-days-a-week basis for the support of resident independence. The provision of skilled nursing procedures to a resident in a residential healthcare facility is not prohibited by this act. Generally, the skilled services provided in a residential healthcare facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(7) "Home plus" means any residence or facility caring for not more than 12 individuals not related within the third degree of relationship to the operator or owner by blood or marriage unless the resident in need of care is approved for placement by the secretary for children and families, and who, due to functional impairment, needs personal care and may need supervised nursing care to compensate for activities of daily living limitations. The level of care provided to residents shall be determined by preparation of the staff and rules and regulations developed by the Kansas department for aging and disability services. An adult care home may convert a portion of one wing of the facility to a not less than five-bed and not more than 12-bed home plus facility provided that the home plus facility remains separate from the adult care home, and each facility must remain contiguous. Any home plus that provides care for more than eight individuals after the effective date of this act shall adjust staffing personnel and resources as necessary to meet residents' needs in order to maintain the current level of nursing care standards. Personnel of any home plus who provide services for residents with dementia shall be required to take annual dementia care training.

(8) "Boarding care home" means any place or facility operating 24 hours a day, seven days a week, caring for not more than 10 individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of activities of daily living but who are ambulatory and essentially capable of managing their own care and affairs.

(9) "Adult day care" means any place or facility operating less than 24 hours a day

caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of or assistance with activities of daily living.

(10) "Place or facility" means a building or any one or more complete floors of a building, or any one or more complete wings of a building, or any one or more complete wings and one or more complete floors of a building, and the term "place or facility" may include multiple buildings.

(11) "Skilled nursing care" means services performed by or under the immediate supervision of a registered professional nurse and additional licensed nursing personnel. Skilled nursing includes administration of medications and treatments as prescribed by a licensed physician or dentist; and other nursing functions ~~which that~~ require substantial nursing judgment and skill based on the knowledge and application of scientific principles.

(12) "Supervised nursing care" means services provided by or under the guidance of a licensed nurse with initial direction for nursing procedures and periodic inspection of the actual act of accomplishing the procedures; administration of medications and treatments as prescribed by a licensed physician or dentist and assistance of residents with the performance of activities of daily living.

(13) "Resident" means all individuals kept, cared for, treated, boarded or otherwise accommodated in any adult care home.

(14) "Person" means any individual, firm, partnership, corporation, company, association or joint-stock association, and the legal successor thereof.

(15) "Operate an adult care home" means to own, lease, sublease, establish, maintain, conduct the affairs of or manage an adult care home, except that for the purposes of this definition the word "own" and the word "lease" shall not include hospital districts, cities and counties ~~which that~~ hold title to an adult care home purchased or constructed through the sale of bonds.

(16) "Licensing agency" means the secretary for aging and disability services.

(17) "Skilled nursing home" means a nursing facility.

(18) "Intermediate nursing care home" means a nursing facility.

(19) "Apartment" means a private unit ~~which that~~ includes, but is not limited to, a toilet room with bathing facilities, a kitchen, sleeping, living and storage area and a lockable door.

(20) "Individual living unit" means a private unit ~~which that~~ includes, but is not limited to, a toilet room with bathing facilities, sleeping, living and storage area and a lockable door.

(21) "Operator" means an individual registered pursuant to the operator registration act, K.S.A. 2018 Supp. 39-973 et seq., and amendments thereto, who may be appointed by a licensee to have the authority and responsibility to oversee an assisted living facility or residential healthcare facility with fewer than 61 residents, a home plus or adult day care facility.

(22) "Activities of daily living" means those personal, functional activities required by an individual for continued well-being, including, but not limited to, eating, nutrition, dressing, personal hygiene, mobility and toileting.

(23) "Personal care" means care provided by staff to assist an individual with, or to perform activities of daily living.

(24) "Functional impairment" means an individual has experienced a decline in

physical, mental and psychosocial well-being and as a result, is unable to compensate for the effects of the decline.

(25) "Kitchen" means a food preparation area that includes a sink, refrigerator and a microwave oven or stove.

(26) The term "intermediate personal care home" for purposes of those individuals applying for or receiving veterans' benefits means residential healthcare facility.

(27) "Paid nutrition assistant" means an individual who is paid to feed residents of an adult care home, or who is used under an arrangement with another agency or organization, who is trained by a person meeting nurse aide instructor qualifications as prescribed by 42 C.F.R. § 483.152, 42 C.F.R. § 483.160 and 42 C.F.R. § 483.35(h), and who provides such assistance under the supervision of a registered professional or licensed practical nurse.

(28) "Medicaid program" means the Kansas program of medical assistance for which federal or state moneys, or any combination thereof, are expended, or any successor federal or state, or both, health insurance program or waiver granted thereunder.

(29) "Licensee" means any person or persons acting jointly or severally who are licensed by the secretary for aging and disability services pursuant to the adult care home licensure act, K.S.A. 39-923 et seq., and amendments thereto.

(30) "Insolvent" means that the adult care home, or any individual or entity that operates an adult care home or appears on the adult care home license, has stopped paying debts in the ordinary course of business or is unable to pay debts as they come due in the ordinary course of business.

(b) The term "adult care home" ~~shall~~ does not include institutions operated by federal or state governments, except institutions operated by the director of the Kansas commission on veterans affairs office, hospitals or institutions for the treatment and care of psychiatric patients, child care facilities, maternity centers, hotels, offices of physicians or hospices ~~which that~~ are certified to participate in the medicare program under ~~42 code of federal regulations, chapter IV, C.F.R. § 418.1 et seq., and amendments thereto, and which that~~ provide services only to hospice patients, or centers approved by the centers for medicare and medicaid services as a program for all-inclusive care for the elderly (PACE) under ~~42 code of federal regulations, chapter IV, part C.F.R. § 460 et seq., and amendments thereto, which that~~ provides services only to PACE participants.

(c) Nursing facilities in existence on the effective date of this act changing licensure categories to become residential healthcare facilities shall be required to provide private bathing facilities in a minimum of 20% of the individual living units.

(d) Facilities licensed under the adult care home licensure act on the day immediately preceding the effective date of this act shall continue to be licensed facilities until the annual renewal date of such license and may renew such license in the appropriate licensure category under the adult care home licensure act subject to the payment of fees and other conditions and limitations of such act.

(e) Nursing facilities with less than 60 beds converting a portion of the facility to residential healthcare shall have the option of licensing for residential healthcare for less than six individuals but not less than 10% of the total bed count within a contiguous portion of the facility.

(f) The licensing agency may by rule and regulation change the name of the

different classes of homes when necessary to avoid confusion in terminology and the agency may further amend, substitute, change and in a manner consistent with the definitions established in this section, further define and identify the specific acts and services ~~which that~~ shall fall within the respective categories of facilities so long as the above categories for adult care homes are used as guidelines to define and identify the specific acts.

Sec. 27. K.S.A. 2018 Supp. 39-927 is hereby amended to read as follows: 39-927.

(a) An application for a license to operate an adult care home shall be made in writing to the licensing agency upon forms provided by ~~it the licensing agency~~ and shall be in such form and shall contain such information as the licensing agency shall require, ~~which may include if applicable:~~

(1) A detailed projected budget for the first 12 months of operation, prepared in accordance with generally accepted accounting principles and certified by the principal officer of the applicant, accompanied by evidence of access to a sufficient amount of working capital required to operate the adult care home in accordance with the budget, in the form of cash on deposit, a line of credit, applicant's equity, or any combination thereof;

(2) a list of each current or previously licensed facility in Kansas or any other state, territory or country or the District of Columbia in which the applicant has or previously had any percentage of ownership in the operations or the real property of the facility; and

(3) affirmative evidence of the applicant's ability to comply with such reasonable standards and rules and regulations as are adopted under the provisions of this act.

(b) The application shall be signed by the person or persons seeking to operate an adult care home, as specified by the licensing agency, or by a duly authorized agent of any person so specified.

(c) Any nonprofit corporation operating a nursing facility for people with intellectual disability ~~which that~~, on the effective date of this act, includes more than one residential building located on one site or on contiguous sites may apply for a license to operate a new nursing facility for people with intellectual disability ~~which that~~ includes more than one residential building located on one site or on contiguous sites and may apply for one license for each residential building located on the new site, except that total resident population at any such location shall not exceed 75 residents.

Sec. 28. K.S.A. 2018 Supp. 39-931 is hereby amended to read as follows: 39-931.

(a) Whenever the licensing agency finds a substantial failure to comply with the requirements, standards or rules and regulations established under this act ~~or that a receiver has been appointed under K.S.A. 39-958, and amendments thereto, it, the licensing agency~~ shall make an order denying, suspending or revoking the license after notice and a hearing in accordance with the provisions of the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto. Any applicant or licensee who is aggrieved by the order may appeal such order in accordance with the provisions of the Kansas judicial review act, K.S.A. 77-601 et seq., and amendments thereto.

(b) Except as provided in subsection (c), whenever the licensing agency denies, suspends or revokes a license under this section, the applicant or licensee shall not be eligible to apply for a new license or reinstatement of a license for a period of two years from the date of denial, suspension or revocation, and whenever the district court

appoints a receiver under K.S.A. 39-958, and amendments thereto, the applicant or licensee that is under receivership shall not be eligible to apply for a new license or reinstatement of a license for a period of 10 years from the date the receivership action was terminated under K.S.A. 39-963, and amendments thereto.

(c) (1) Any applicant or licensee issued an emergency order by the licensing agency denying, suspending or revoking a license under this section may apply for a new license or reinstatement of a license at any time upon submission of a written waiver of any right conferred upon such applicant or licensee under the Kansas administrative procedure act, ~~K.S.A. 77-501 et seq., and amendments thereto~~; and the Kansas judicial review act, ~~K.S.A. 77-601 et seq., and amendments thereto~~, to the licensing agency in a settlement agreement or other manner as approved by the licensing agency.

(2) Any licensee issued a notice of intent to take disciplinary action by the licensing agency under this section may enter into a settlement agreement or other manner as approved by the licensing agency, with the licensing agency, at any time upon submission of a written waiver of any right conferred upon such licensee under the Kansas administrative procedure act, ~~K.S.A. 77-501 et seq., and amendments thereto~~; and the Kansas judicial review act, ~~K.S.A. 77-601 et seq., and amendments thereto~~.

(d) No person shall operate an intermediate care facility for people with intellectual disability, as defined in K.S.A. 39-923, and amendments thereto, of five beds or less, ~~as defined by subsection (a)(4) of K.S.A. 39-923, and amendments thereto~~, within this state unless such person:

(A) Is issued a license by the licensing agency on or before January 1, 2012; or

(B) Participated in the medicaid program as an intermediate care facility for people with intellectual disability of five beds or less, on or before January 1, 2012.

Sec. 29. K.S.A. 2018 Supp. 39-931a is hereby amended to read as follows: 39-931a. (a) As used in this section, the term "person" means any person who is an applicant for a license to operate an adult care home or who is the licensee of an adult care home and who has any direct or indirect ownership interest ~~of 25% or more~~ in an adult care home or who is the owner, in whole or in part, of any mortgage, deed of trust, note or other obligation secured, in whole or in part, by such facility or any of the property or assets of such facility, or who, if the facility is organized as a corporation, is an officer or director of the corporation, or who, if the facility is organized as a partnership, is a partner.

(b) Pursuant to K.S.A. 39-931, and amendments thereto, the licensing agency may deny a license to any person and may suspend or revoke the license of any person who:

(1) Has willfully or repeatedly violated any provision of law or rules and regulations adopted pursuant to article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto;

(2) has had a license to operate an adult care home denied, suspended, revoked or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia or other country, a certified copy of the record of such action of the other jurisdiction being conclusive evidence thereof;

(3) has failed or refused to comply with the medicaid requirements of title XIX of the social security act, or medicaid regulations under chapter IV of title 42 of the code of federal regulations, a certified copy of the record of such action being conclusive evidence thereof;

(4) has failed or refused to comply with the medicare requirements of chapter 7 of title 42 of the United States code, or medicare regulations under chapter IV of title 42 of the code of federal regulations, a certified copy of the record of such action being conclusive evidence thereof;

(5) has been convicted of a felony;

(6) has failed to assure that nutrition, medication and treatment of residents, including the use of restraints, are in accordance with acceptable medical practices;

(7) has aided, abetted, sanctioned or condoned any violation of law or rules and regulations adopted pursuant to article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto; or

(8) has willfully admitted a person to a nursing facility in violation of K.S.A. 39-968, and amendments thereto.

Sec. 30. K.S.A. 39-955 is hereby amended to read as follows: 39-955. The application for receivership shall be filed in the Shawnee county district court or the district court in the county where the adult care home is located. The application shall be verified and set forth the specific reasons therefor.

Sec. 31. K.S.A. 39-956 is hereby amended to read as follows: 39-956. The applicant shall serve those persons set forth in K.S.A. 39-954, and amendments thereto, with copies of the application. Service of process shall be as provided for under the code of civil procedure. The applicant shall also send ~~five (5) copies~~ a copy of the application for receivership to the adult care home. The adult care home shall post ~~the copies of the application in a conspicuous place~~ place within the adult care home.

Sec. 32. K.S.A. 39-957 is hereby amended to read as follows: 39-957. A party shall file an answer to the application within five ~~(5)~~ days after the service of process of the application ~~upon such person~~.

Sec. 33. K.S.A. 2018 Supp. 39-958 is hereby amended to read as follows: 39-958. (a) The application for receivership shall be given priority by the district court and shall be heard no later than the seventh day following the filing of the ~~application~~ answer or other responsive pleading. A continuance of no more than ~~10~~ 14 days may be granted by the district court for good cause. The district court shall give all parties who have filed an answer the opportunity to present evidence pertaining to the application. If the district court finds that the facts warrant the granting of the application, the court shall appoint the secretary for aging and disability services or the designee of the secretary as receiver to operate the home.

(b) Upon the appointment of a receiver under this section, the receiver shall be granted a license by the licensing agency to operate an adult care home as provided under the provisions of article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto. The provisions of article 9 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, relating to inspection prior to granting a license to operate an adult care home and relating to payment of license fees shall not apply to a license granted to a receiver under this section, and such license shall remain in effect during the existence of the receivership and shall expire on the termination of the receivership. ~~The receiver shall make application for the license on forms provided for this purpose by the licensing agency.~~

Sec. 34. K.S.A. 39-959 is hereby amended to read as follows: 39-959. (a) A receiver appointed in accordance with the provisions of this act shall have the following powers and duties:

- ~~(a)~~(1) Conduct the day to day business operations of the adult care home;
- (2) operate the adult care home to provide safe and adequate healthcare for the residents of the adult care home;
- (3) correct or eliminate any deficiency in the adult care home that concerns the health, safety, nutrition or sanitation of the residents of the adult care home and that is life threatening or endangering;
- (4) provide for the orderly transfer of all residents of the adult care home to other adult care homes or make other provisions for such residents' continued safety and healthcare, as necessary;
- (5) be entitled to the immediate use of all proceeds of any accounts receivable to discharge the powers and duties of the receiver;
- (6) collect incoming payments from all sources and apply such payments to costs incurred in the performance of the receiver's powers and duties, including compensation of the receiver, if any;
- (7) enter into or terminate contracts as necessary to carry out the receiver's powers and duties and incur expenses for individual items for repairs, improvements or supplies, without being subject to any requirements to procure competitive bids established by law;
- (8) repay expenditures of the receiver from moneys appropriated to the Kansas department for aging and disability services for purposes set forth in K.S.A. 39-954 et seq., and amendments thereto, if incoming payments from the operation of the adult care home exceed the costs incurred by the receiver in the performance of the receiver's powers and duties; and
- (9) other powers and duties as authorized or imposed by the district court.
- (b) If incoming payments from the operation of the adult care home exceed the costs incurred by the receiver in the performance of the receiver's powers and duties, the receiver may:
 - (1) Pay post-receivership quality care assessments as established under Kansas law;
 - (2) reimburse the owner or licensee, as appropriate, a fair monthly rental for the adult care home, taking into account all relevant factors, including the condition of such adult care home and set-offs arising from improvements made by the receiver; and
 - ~~(c)~~(3) give fair compensation to the owner or licensee, as appropriate, for all property taken or used during the course of the receivership if such person has not previously received compensation for the property being taken or used;
 - ~~(d) correct or eliminate any deficiency in the adult care home that concerns the health, safety, nutrition, or sanitation of the residents of the adult care home and is life threatening or endangering;~~
 - ~~(e) enter into contracts as necessary to carry out his or her duties as receiver and incur expenses for individual items of repairs, improvements or supplies without the procurement of competitive bids, if otherwise required by law, where the total amount of such individual item does not exceed five hundred dollars (\$500);~~
 - ~~(f) collect incoming payments from all sources and apply them to the costs incurred in the performance of his or her functions as receiver including the compensation of the receiver, if any;~~
 - ~~(g) honor all existing leases, mortgages, chattel mortgages and security interests;~~
 - ~~(h) operate the adult care home so as to provide safe and adequate health care for the residents of the adult care home;~~

(i) ~~provide for the orderly transfer of all residents in the adult care home to other adult care homes or make other provisions for their continued safety and health care, as necessary;~~

(j) ~~other powers and duties as authorized or imposed by the district court.~~

Sec. 35. K.S.A. 2018 Supp. 39-960 is hereby amended to read as follows: 39-960.

(a) The secretary for aging and disability services, upon request of a receiver, may authorize expenditures from moneys appropriated for purposes set forth in this act if incoming payments from the operation of the adult care home are less than the cost incurred by the receiver in the performance of the receiver's functions as receiver or for purposes of initial operating expenses of the receivership.

(b) Any payments made by the secretary for aging and disability services pursuant to this section shall be owed by the owner, operator or licensee, including any individuals or entities that appear on the license issued by the secretary pursuant to the adult care home licensure act, and repaid to the secretary for aging and disability services when the receivership is terminated pursuant to K.S.A. 39-963, and amendments thereto, and until repaid shall constitute a lien against all non-exempt personal and real property of the owner, operator or licensee.

Sec. 36. K.S.A. 2018 Supp. 39-961 is hereby amended to read as follows: 39-961.

(a) The personnel and facilities of the Kansas department for aging and disability services shall be available to the receiver for the purposes of carrying out the receiver's duties as receiver as authorized by the secretary for aging and disability services.

(b) The Kansas department for aging and disability services shall itemize and keep a ledger showing costs of personnel and other expenses establishing the receivership and assisting the receiver and such amount shall be owed by the owner, operator or licensee to the Kansas department for aging and disability services. Such department shall submit a bill for such expenses to the receiver for inclusion in the receiver's final accounting. Any amount so billed and until repaid shall constitute a lien against all ~~nonexempt non-exempt~~ personal and real property of the owner, operator or licensee, including any individuals or entities that appear on the license issued by the secretary pursuant to the adult care home licensure act.

Sec. 37. K.S.A. 2018 Supp. 39-963 is hereby amended to read as follows: 39-963.

(a) The court shall terminate the receivership only under any of the following circumstances:

(1) Twenty-four months after the date on which the receivership was ordered;

(2) a new license, other than the license granted to the receiver under K.S.A. 39-958, and amendments thereto, has been granted to operate the adult care home; or

(3) at such time as all of the residents in the adult care home have been provided alternative modes of healthcare, either in another adult care home or otherwise.

(b) (1) At the time of termination of the receivership, the receiver shall render a full and complete accounting to the district court and shall make disposition of surplus money at the direction of the district court.

(2) The court may make such additional orders as are appropriate to recover the expenses and costs to the Kansas department for aging and disability services ~~and the secretary for children and families~~ incurred pursuant to K.S.A. 39-960 or 39-961, and amendments thereto.

Sec. 38. K.S.A. 65-7202 is hereby amended to read as follows: 65-7202. As used in K.S.A. 65-7201 ~~to~~ through 65-7218, ~~inclusive~~, and amendments thereto:

(a) "Naturopathic doctor" means a doctor of naturopathic medicine who is authorized and licensed pursuant to this act.

(b) (1) "Naturopathic medicine," or "naturopathy" means a system of health care practiced by naturopathic doctors for the prevention, diagnosis and treatment of human health conditions, injuries and diseases, that uses education, natural medicines and therapies to support and stimulate the individual's intrinsic self-healing processes, and includes: (A) Prescribing, recommending or administering: (1)(i) Food, food extracts, vitamins, minerals, enzymes, whole gland thyroid, botanicals, homeopathic preparations, nonprescription drugs, plant substances that are not designated as prescription drugs or controlled substances, topical drugs as defined in subsection (i) of this section, and amendments thereto; (2)(ii) health care counseling, nutritional counseling and dietary therapy, naturopathic physical applications, barrier contraceptive devices; (3)(iii) substances on the naturopathic formulary which that are authorized for intramuscular or intravenous administration pursuant to a written protocol entered into with a physician who has entered into a written protocol with a naturopathic doctor licensed under this act the naturopathic doctor licensure act; (4)(iv) noninvasive physical examinations, venipuncture to obtain blood for clinical laboratory tests and orofacial examinations, excluding endoscopies; (5)(v) minor office procedures; and (6)(vi) naturopathic acupuncture; and (B) ordering diagnostic imaging studies, including, but not limited to, x-ray, ultrasound, mammogram, bone densitometry, computed tomography, magnetic resonance imaging and electrocardiograms, except that naturopathic doctors shall refer patients to an appropriately licensed and qualified healthcare professional to conduct diagnostic imaging studies and interpret the results of such studies.

(2) A naturopathic doctor may not perform surgery, obstetrics, administer ionizing radiation, or prescribe, dispense or administer any controlled substances as defined in K.S.A. 65-4101, and amendments thereto, or any prescription-only drugs except those listed on the naturopathic formulary adopted by the board pursuant to this act.

(c) "Board" means the state board of healing arts.

(d) "Approved naturopathic medical college" means a college and program granting the degree of doctor of naturopathy or naturopathic medicine that has been approved by the board under this act and which college and program requires at a minimum a four-year, full-time resident program of academic and clinical study.

(e) "Homeopathic preparations" means substances and drugs prepared according to the official homeopathic pharmacopoeia recognized by the United States food and drug administration.

(f) "Naturopathic acupuncture" means the insertion of fine metal needles through the skin at specific points on or near the surface of the body with or without the palpation of specific points on the body and with or without the application of electric current or heat to the needles or skin or both to treat human disease and impairment and to relieve pain.

(g) "Minor office procedures" means care incidental to superficial lacerations and abrasions, superficial lesions and the removal of foreign bodies located in the superficial tissues, except eyes, and not involving blood vessels, tendons, ligaments or nerves. "Minor office procedures" includes use of antiseptics, but shall not include the suturing, repairing, alteration or removal of tissue or the use of general or spinal anesthesia. Minor office procedures does not include anesthetics or surgery.

(h) "Naturopathic physical applications" means the therapeutic use by naturopathic doctors of the actions or devices of electrical muscle stimulation, galvanic, diathermy, ultrasound, ultraviolet light, constitutional hydrotherapy, naturopathic musculoskeletal technique and therapeutic exercise.

(i) "Topical drugs" means topical analgesics, antiseptics, scabicides, antifungals and antibacterials but does not include prescription only drugs.

(j) "Physician" means a person licensed to practice medicine and surgery.

(k) "Written protocol" means a formal written agreement between a naturopathic doctor licensed under this act and a person licensed to practice medicine and surgery. Any licensee of the board entering into a written protocol with a licensed naturopathic doctor shall notify the board in writing of such relationship by providing such information as the board may require.

Sec. 39. K.S.A. 65-7302 is hereby amended to read as follows: 65-7302. As used in this act:

(a) "Board" means the state board of healing arts.

(b) "Ionizing radiation" means x-rays, gamma rays, alpha and beta particles, high speed electrons, protons, neutrons and other nuclear particles capable of producing ions directly or indirectly in its passage through matter.

(c) "License" means a certificate issued by the board authorizing the licensee to perform radiologic technology procedures on humans for diagnostic or therapeutic purposes.

(d) "Licensed practitioner" means a person licensed to practice medicine and surgery, dentistry, podiatry or chiropractic in this state, or a person licensed as a physician assistant, advanced practice registered nurse or naturopathic doctor in this state.

(e) "Licensure" and "licensing" mean a method of regulation by which the state grants permission to persons who meet predetermined qualifications to engage in a health related occupation or profession.

(f) "Nuclear medicine technologist" means a person who uses radio pharmaceutical agents on humans for diagnostic or therapeutic purposes.

(g) "Nuclear medicine technology" means the use of radio nuclides on human beings for diagnostic or therapeutic purposes.

(h) "Radiation therapist" means a person who applies radiation to humans for therapeutic purposes.

(i) "Radiation therapy" means the use of any radiation procedure or article intended for the cure, mitigation or prevention of disease in humans.

(j) "Radiographer" means a person who applies radiation to humans for diagnostic purposes.

(k) "Radiography" means the use of ionizing radiation on human beings for diagnostic purposes.

(l) "Radiologic technologist" means any person who is a radiographer, radiation therapist or nuclear medicine technologist.

(m) "Radiologic technology" means the use of radioactive substance or equipment emitting or detecting ionizing radiation on humans for diagnostic or therapeutic purposes upon prescription of a licensed practitioner. The term includes the practice of radiography, nuclear medicine technology and radiation therapy, but does not include echocardiography, diagnostic sonography and magnetic resonance imaging.

~~(n) This section shall take effect on and after July 1, 2005.~~

Sec. 40. K.S.A. 39-955, 39-956, 39-957, 39-959, 65-5801, 65-5807, 65-6306, 65-6309, 65-6321, 65-6401, 65-6405, 65-6406, 65-6411, 65-6611, 65-6613, 65-7202, 65-7302, 74-5301, 74-5310, 74-5315, 74-5316, 74-5344, 74-5375 and 74-5376 and K.S.A. 2018 Supp. 39-923, 39-927, 39-931, 39-931a, 39-958, 39-960, 39-961 and 39-963 are hereby repealed."

Also on page 6, in line 8, by striking "statute book" and inserting "Kansas register";
And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in line 2; in line 3, by striking all before the period and inserting "public health; relating to the behavioral sciences regulatory board; licensure requirements for certain behavioral sciences professions; naturopathic doctors; scope of practice; adult care homes; licensure; receivership; financial solvency; amending K.S.A. 39-955, 39-956, 39-957, 39-959, 65-5801, 65-5807, 65-6306, 65-6309, 65-6321, 65-6401, 65-6405, 65-6406, 65-6411, 65-6611, 65-6613, 65-7202, 65-7302, 74-5301, 74-5310, 74-5315, 74-5316, 74-5344, 74-5375 and 74-5376 and K.S.A. 2018 Supp. 39-923, 39-927, 39-931, 39-931a, 39-958, 39-960, 39-961 and 39-963 and repealing the existing sections";

And your committee on conference recommends the adoption of this report.

BRENDA LANDWEHR

JOHN EPLEE

MONICA MURNAN

Conferees on part of House

GENE SUELLENTROP

ED BERGER

BARBARA BOLLIER

Conferees on part of Senate

Senator Suellentrop moved the Senate adopt the Conference Committee Report on **SB 15**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Absent or Not Voting: Estes, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to HB 2119 submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 9 through 34;

By striking all on page 2;

On page 3, by striking all in lines 1 through 17 and inserting:

"New Section 1. (a) Every prescription order issued for a controlled substance in schedules II-V that contains an opiate, as described in the uniform controlled substances act, shall be transmitted electronically unless:

(1) Electronic prescription orders are not possible due to technological or electronic system failures;

(2) electronic prescribing is not available to the prescriber due to economic hardship or technological limitations that are not reasonably within the control of the prescriber, or other exceptional circumstances exist, as demonstrated by the prescriber;

(3) the prescription order is for a compounded preparation containing two or more components or requires information that makes electronic submission impractical, such as complicated or lengthy instructions for use;

(4) the prescription order is issued by a licensed veterinarian;

(5) the prescriber reasonably determines that it would be impractical for the patient to obtain the substances prescribed by electronic prescription in a timely manner, and such delay would adversely impact the patient's medical condition;

(6) the prescription order is issued pursuant to drug research or drug therapy protocols;

(7) the prescription order is by a prescriber who issues 50 or fewer prescription orders per year for controlled substances that contain opiates; or

(8) the United States food and drug administration requires the prescription order to contain elements that are not compatible or possible with electronic prescriptions.

(b) (1) A prescriber may request a waiver from the provisions of subsection (a) for a period not to exceed six months if such prescriber cannot comply with subsection (a) due to economic hardship, technological limitations that reasonably are not within the prescriber's control or other circumstance demonstrated by the prescriber. If a waiver is granted by the board, the prescriber may request that such waiver be renewed for a period not to exceed six months. Requests for a waiver or renewal shall be submitted to the board in such form and manner as prescribed by the board and shall include the reason for the request and any other information required by the board.

(2) If a prescriber prescribes a controlled substance by non-electronic prescription, such prescriber shall indicate the prescription is made pursuant to a waiver granted pursuant to this section. A pharmacist shall not be required to verify the validity of any waiver, either with the prescriber or the board, but may do so in accordance with K.S.A. 65-1637, and amendments thereto.

(c) The provisions of this section shall be a part of and supplemental to the pharmacy act of the state of Kansas.

(d) The provisions of this section shall take effect on and after July 1, 2021.

New Sec. 2. (a) Notwithstanding any other provision of law, a business entity issued a certificate of authorization by the board may employ or contract with one or more licensees of the board for the purpose of providing professional services for which such licensees hold a valid license issued by the board. Nothing in the Kansas healing arts act shall be construed to prohibit a licensee from being employed by or under contract to provide professional services for a business entity granted a certificate of authorization pursuant to this section. Medical care facilities, as defined by K.S.A. 65-425, and amendments thereto, that are in compliance with department of health and environment

licensure requirements are exempt from the provisions of this section. Nothing contained herein shall be construed to allow a corporation to practice optometry or dentistry, except as otherwise provided in K.S.A. 17-2706, and amendments thereto.

(b) (1) A business entity may apply to the state board of healing arts for a certificate of authorization, on a form and in a manner prescribed by the state board of healing arts, and shall include the following information:

- (A) The name of the business entity;
- (B) a list of the names of the owners and officers of the business entity;
- (C) a description of the apportionment of liability of all partners or owners, if the business entity is organized as a limited partnership or a limited liability company;
- (D) a list of each responsible official if the business entity is organized as a governmental unit; and
- (E) a list of all licensed physicians and chiropractors to be hired by the business entity.

(2) As a condition of certification, a business entity shall be required to provide the state board of healing arts evidence of the following:

- (A) The address of the business entity;
- (B) a city or county occupational license; and
- (C) licensure of all physicians and chiropractors to be employed by the business entity.

(3) A business entity applying for certification shall remit a fee set by the state board of healing arts through rules and regulations, not to exceed \$1,000.

(c) (1) If the state board of healing arts finds that such business entity is in compliance with all of the requirements of this section, the state board of healing arts shall issue a certificate of authorization to such business entity designating the business entity as authorized to employ individuals licensed to practice medicine and surgery or chiropractic, as applicable.

(2) A certificate of authorization shall be renewed annually and accompanied by a fee to be fixed by the state board of healing arts. The renewal fee shall be accompanied by a form prescribed by the state board of healing arts.

(d) Except as provided in K.S.A. 40-3403, and amendments thereto, no business entity issued a certificate of authorization under this section shall be relieved of responsibility for the conduct or acts of its agents or employees by reason of its compliance with the provisions of this section, nor shall any individual licensed to practice the healing arts be relieved of responsibility and liability for services performed by reason of employment or relationship with such business entity. Nothing in this section shall exempt any business entity from the provisions of any other law applicable to the business entity.

(e) A business entity issued a certificate of authorization under this section shall not:

(1) In any manner, directly or indirectly, interfere with, diminish, restrict, substitute its judgment for or otherwise exercise control over the independent professional judgment and decisions of its employed licensees as it relates to the care of patients; or

(2) prohibit or restrict any employed licensee from discussing with or disclosing to any patient or other individual any medically appropriate healthcare information that such licensee deems appropriate regarding the nature of treatment options, the risks or alternatives thereto, the process used or the decision made by the business entity to

approve or deny healthcare services, the availability of alternate therapies, consultations or tests, or from advocating on behalf of the patient.

(f) As used in this section:

(1) (A) "Business entity" means an employer located in Kansas that utilizes electronic medical records and offers medicine and surgery or chiropractic services solely for its employees and the dependents of such employees at the employer's work site; an organization that is licensed to sell accident and sickness insurance in the state that is also a mutual or non-profit health carrier that utilizes electronic medical records, or a wholly owned subsidiary of such organization that provides medical services solely for the organization's enrollees and dependents of such enrollees; or an information technology company that designs, utilizes and provides electronic medical records for businesses and worksite medical clinics for employers located in Kansas and offers medicine and surgery or chiropractic services solely to its employees and the dependents of such employees at the employer's work sites in Kansas.

(B) "Business entity" does not include medical care facilities under K.S.A. 65-425, and amendments thereto, corporations licensed under K.S.A. 40-3214, and amendments thereto, and professional corporations organized pursuant to the professional corporation law of Kansas.

(2) "Physician" means a person licensed by the state board of healing arts to practice medicine and surgery.

(3) "Licensee" means a person licensed by the state board of healing arts to practice medicine and surgery or chiropractic and whose license is in a full active status and has not been revoked, suspended, limited or placed under probationary conditions.

(g) A business entity's certificate of authorization may be revoked, suspended or limited, may be publicly censured or placed under probationary conditions, or an application for a certificate or for reinstatement of a certificate may be denied upon a finding of the existence of any of the following grounds:

(1) The business entity has committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated certificate.

(2) The business entity has willfully or repeatedly violated this act, the pharmacy act of the state of Kansas or the uniform controlled substances act or any rules and regulations adopted pursuant thereto, or any rules and regulations of the secretary of health and environment that are relevant to the practice of the healing arts.

(3) The business entity has had a certificate, or equivalent authorization, to employ licensees to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken or has had an application for a certificate or license denied, by the proper licensing authority of another state.

(4) The business entity has violated any lawful rule and regulation promulgated by the board.

(5) The business entity has failed to report or reveal the knowledge required to be reported or revealed under K.S.A. 65-28,122, and amendments thereto.

(6) The business entity has failed to report to the board any adverse action taken against the business entity by another state or licensing jurisdiction, a governmental agency, by a law enforcement agency or a court for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section.

(7) The business entity has engaged in conduct likely to deceive, defraud or harm the public.

(8) The business entity has engaged in conduct that violates patient trust and exploits the licensee-patient relationship for corporate gain.

(9) The business entity has used any false, fraudulent or deceptive statement in any document connected with the practice of the healing arts, including the intentional falsifying or fraudulent altering of a patient healthcare record.

(10) The business entity has failed to furnish to the board, or its investigators or representatives, any information legally requested by the board.

(11) The business entity has had, or failed to report to the board, any adverse judgment, award or settlement against the business entity resulting from a medical liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section.

(12) The business entity has been convicted of a felony or class A misdemeanor, or substantially similar offense in another jurisdiction, related to the practice of the healing arts.

(h) The state board of healing arts shall adopt all rules and regulations as necessary to implement and administer the provisions of this section.

(i) For the purposes of determining the impact on the healthcare stabilization fund of requiring business entities to comply with the provisions of the healthcare provider insurance availability act, the healthcare stabilization fund is hereby directed to conduct such actuarial and operational studies as are necessary to determine such impact, and to report the findings to the legislature on or before January 1, 2020.

(j) This section shall be a part of and supplemental to the Kansas healing arts act.

(k) The provisions of this section shall take effect on and after March 1, 2020.

Sec. 3. On and after March 1, 2020, K.S.A. 65-2803 is hereby amended to read as follows: 65-2803. (a) Unless otherwise specified by the board or as provided in section 2, and amendments thereto, it shall be unlawful for any person who does not have a license, registration, permit or certificate to engage in the practice of any profession regulated by the board or whose license, registration, permit or certificate to practice has been revoked or suspended to engage in the practice of any profession regulated by the board.

(b) This section shall not apply to any healthcare provider who in good faith renders emergency care or assistance at the scene of an emergency or accident as authorized by K.S.A. 65-2891, and amendments thereto.

(c) The commission of any act or practice declared to be a violation of this section may render the violator liable to the state or county for the payment of a civil penalty of up to \$1,000 per day for each day a person engages in the unlawful practice of a profession regulated by the board. In addition to such civil penalty, such violator may be assessed reasonable costs of investigation and prosecution.

(d) Violation of this section is a severity level 10, nonperson felony.

Sec. 4. On and after March 1, 2020, K.S.A. 65-2836 is hereby amended to read as follows: 65-2836. A licensee's license may be revoked, suspended or limited, or the licensee may be publicly censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

(a) The licensee has committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated license.

(b) The licensee has committed an act of unprofessional or dishonorable conduct or

professional incompetency, except that the board may take appropriate disciplinary action or enter into a non-disciplinary resolution when a licensee has engaged in any conduct or professional practice on a single occasion that, if continued, would reasonably be expected to constitute an inability to practice the healing arts with reasonable skill and safety to patients or unprofessional conduct as defined in K.S.A. 65-2837, and amendments thereto.

(c) The licensee has been convicted of a felony or class A misdemeanor, or substantially similar offense in another jurisdiction, whether or not related to the practice of the healing arts; or the licensee has been convicted in a special or general court-martial, whether or not related to the practice of the healing arts. The board shall revoke a licensee's license following conviction of a felony or substantially similar offense in another jurisdiction, or following conviction in a general court-martial occurring after July 1, 2000, unless a $\frac{2}{3}$ majority of the board members present and voting determine by clear and convincing evidence that such licensee will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant the public trust. In the case of a person who has been convicted of a felony or convicted in a general court-martial and who applies for an original license or to reinstate a canceled license, the application for a license shall be denied unless a $\frac{2}{3}$ majority of the board members present and voting on such application determine by clear and convincing evidence that such person will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant the public trust.

(d) The licensee has used fraudulent or false advertisements.

(e) The licensee is addicted to or has distributed intoxicating liquors or drugs for any other than lawful purposes.

(f) The licensee has willfully or repeatedly violated this act, the pharmacy act of the state of Kansas or the uniform controlled substances act, or any rules and regulations adopted pursuant thereto, or any rules and regulations of the secretary of health and environment ~~which that~~ are relevant to the practice of the healing arts.

(g) The licensee has unlawfully invaded the field of practice of any branch of the healing arts in which the licensee is not licensed to practice.

(h) The licensee has engaged in the practice of the healing arts under a false or assumed name, or the impersonation of another practitioner. The provisions of this subsection relating to an assumed name shall not apply to licensees practicing under a professional corporation, under a business entity that holds a certificate of authorization pursuant to section 2, and amendments thereto, or under any other legal entity duly authorized to provide such professional services in the state of Kansas.

(i) The licensee's ability to practice the healing arts with reasonable skill and safety to patients is impaired by reason of physical or mental illness, or condition or use of alcohol, drugs or controlled substances. All information, reports, findings and other records relating to impairment shall be confidential and not subject to discovery by or release to any person or entity outside of a board proceeding.

(j) The licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country.

(k) The licensee has violated any lawful rule and regulation promulgated by the

board or violated any lawful order or directive of the board previously entered by the board.

(l) The licensee has failed to report or reveal the knowledge required to be reported or revealed under K.S.A. 65-28,122, and amendments thereto.

(m) The licensee, if licensed to practice medicine and surgery, has failed to inform in writing a patient suffering from any form of abnormality of the breast tissue for which surgery is a recommended form of treatment, of alternative methods of treatment recognized by licensees of the same profession in the same or similar communities as being acceptable under like conditions and circumstances.

(n) The licensee has cheated on or attempted to subvert the validity of the examination for a license.

(o) The licensee has been found to be mentally ill, disabled, not guilty by reason of insanity, not guilty because the licensee suffers from a mental disease or defect or incompetent to stand trial by a court of competent jurisdiction.

(p) The licensee has prescribed, sold, administered, distributed or given a controlled substance to any person for other than medically accepted or lawful purposes.

(q) The licensee has violated a federal law or regulation relating to controlled substances.

(r) The licensee has failed to furnish the board, or its investigators or representatives, any information legally requested by the board.

(s) Sanctions or disciplinary actions have been taken against the licensee by a peer review committee, healthcare facility, a governmental agency or department or a professional association or society for acts or conduct similar to acts or conduct ~~which~~ that would constitute grounds for disciplinary action under this section.

(t) The licensee has failed to report to the board any adverse action taken against the licensee by another state or licensing jurisdiction, a peer review body, a healthcare facility, a professional association or society, a governmental agency, by a law enforcement agency or a court for acts or conduct similar to acts or conduct ~~which~~ that would constitute grounds for disciplinary action under this section.

(u) The licensee has surrendered a license or authorization to practice the healing arts in another state or jurisdiction, has surrendered the authority to utilize controlled substances issued by any state or federal agency, has agreed to a limitation to or restriction of privileges at any medical care facility or has surrendered the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct ~~which~~ that would constitute grounds for disciplinary action under this section.

(v) The licensee has failed to report to the board surrender of the licensee's license or authorization to practice the healing arts in another state or jurisdiction or surrender of the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct ~~which~~ that would constitute grounds for disciplinary action under this section.

(w) The licensee has an adverse judgment, award or settlement against the licensee resulting from a medical liability claim related to acts or conduct similar to acts or conduct ~~which~~ that would constitute grounds for disciplinary action under this section.

(x) The licensee has failed to report to the board any adverse judgment, settlement or award against the licensee resulting from a medical malpractice liability claim related

to acts or conduct similar to acts or conduct ~~which that~~ would constitute grounds for disciplinary action under this section.

(y) The licensee has failed to maintain a policy of professional liability insurance as required by K.S.A. 40-3402 or 40-3403a, and amendments thereto.

(z) The licensee has failed to pay the premium surcharges as required by K.S.A. 40-3404, and amendments thereto.

(aa) The licensee has knowingly submitted any misleading, deceptive, untrue or fraudulent representation on a claim form, bill or statement.

(bb) The licensee as the supervising physician for a physician assistant has failed to adequately direct and supervise the physician assistant in accordance with the physician assistant licensure act or rules and regulations adopted under such act.

(cc) The licensee has assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2018 Supp. 21-5407, and amendments thereto, as established by any of the following:

(1) A copy of the record of criminal conviction or plea of guilty for a felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2018 Supp. 21-5407, and amendments thereto.

(2) A copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. 60-4404, and amendments thereto.

(3) A copy of the record of a judgment assessing damages under K.S.A. 60-4405, and amendments thereto.

(dd) The licensee has given a worthless check or stopped payment on a debit or credit card for fees or moneys legally due to the board.

(ee) The licensee has knowingly or negligently abandoned medical records.

Sec. 5. On and after March 1, 2020, K.S.A. 65-2877a is hereby amended to read as follows: 65-2877a. ~~The healing arts act and any other~~ No provision of law prohibiting practice of the healing arts by a general corporation shall ~~not~~ apply to a healing arts school approved by the board if the healing arts school is a non-profit entity under section 501(c)(3) of the internal revenue code of 1986, is approved by the state board of regents, and as part of its academic requirements provides clinical training to its students under the supervision of persons who are licensed to practice a branch of the healing arts in this state.

New Sec. 6. (a) (1) A licensed pharmacist may administer a drug by injection that, in the judgment of the prescriber, may be safely self-administered by a patient, to a patient pursuant to a prescription order, unless the prescription order includes the words "not to be administered by a pharmacist," or words of like effect.

(2) Nothing in this section shall replace, repeal or supersede the requirements prescribed in K.S.A. 65-4a10, and amendments thereto.

(b) This section shall be a part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 7. K.S.A. 65-1626 is hereby amended to read as follows: 65-1626. For the purposes of this act:

(a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner;

(2) the patient or research subject at the direction and in the presence of the

practitioner; or

(3) a pharmacist as authorized in K.S.A. 65-1635a or section 6, and amendments thereto.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, repackager, wholesale distributor, third-party logistics provider or dispenser but does not include a common carrier, public warehouseman or employee of the carrier or warehouseman when acting in the usual and lawful course of the carrier's or warehouseman's business.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "Automated dispensing system" means a robotic or mechanical system controlled by a computer that: (1) Performs operations or activities, other than compounding or administration, relative to the storage, packaging, labeling, dispensing or distribution of drugs; (2) collects, controls and maintains all transaction information; and (3) operates in accordance with the board's rules and regulations.

(e) "Biological product" means the same as defined in 42 U.S.C. § 262(i), as in effect on January 1, 2017.

(f) "Board" means the state board of pharmacy created by K.S.A. 74-1603, and amendments thereto.

(g) "Brand exchange," in the case of a drug prescribed, means the dispensing of a different drug product of the same dosage form and strength and of the same generic name as the brand name drug product prescribed, and in the case of a biological product prescribed, means the dispensing of an interchangeable biological product.

(h) "Brand name" means the registered trademark name given to a drug product by its manufacturer, labeler or distributor.

(i) "Co-licensed partner" means a person or pharmaceutical manufacturer that has entered into an agreement with another pharmaceutical manufacturer or an affiliate of the manufacturer to engage in a business activity or occupation related to the manufacture or distribution of a product.

(j) "Common carrier" means any person who undertakes, whether directly or by any other arrangement, to transport property, including drugs, for compensation.

(k) "Compounding" means the combining of components into a compounded preparation under either of the following conditions:

(1) As the result of a practitioner's prescription drug order or initiative based on the practitioner-patient-pharmacist relationship in the course of professional practice to meet the specialized medical need of an individual patient of the practitioner that cannot be filled by an FDA-approved drug; or

(2) for the purpose of, or incidental to, research, teaching or chemical analysis, and not for sale or dispensing.

Compounding includes the preparation of drugs or devices in anticipation of receiving prescription drug orders based on routine, regularly observed prescribing patterns.

Compounding does not include reconstituting any oral or topical drug according to the FDA-approved labeling for the drug or preparing any sterile or nonsterile preparation that is essentially a copy of a commercially available product.

(l) "DEA" means the U.S. department of justice, drug enforcement administration.

(m) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of any drug whether or not an agency relationship exists.

(n) "Direct supervision" means the process by which the responsible pharmacist shall observe and direct the activities of a pharmacy student or pharmacy technician to a sufficient degree to assure that all such activities are performed accurately, safely and without risk or harm to patients, and complete the final check before dispensing.

(o) "Dispense" or "dispensing" means to deliver prescription medication to the ultimate user or research subject by or pursuant to the lawful order of a practitioner or pursuant to the prescription of a mid-level practitioner.

(p) "Dispenser" means:

(1) A practitioner or pharmacist who dispenses prescription medication, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto; or

(2) a retail pharmacy, hospital pharmacy or group of pharmacies under common ownership and control that do not act as a wholesale distributor, or affiliated warehouses or distribution centers of such entities under common ownership and control that do not act as a wholesale distributor.

(q) "Distribute" or "distribution" means to deliver, offer to deliver, sell, offer to sell, purchase, trade, transfer, broker, give away, handle, store or receive, other than by administering or dispensing, any product, but does not include dispensing a product pursuant to a prescription executed in accordance with 21 U.S.C. § 353 or the dispensing of a product approved under 21 U.S.C. § 360b.

(r) "Distributor" means a person or entity that distributes a drug.

(s) "Drop shipment" means the sale, by a manufacturer, repackager or exclusive distributor, of the manufacturer's prescription drug to a wholesale distributor whereby the wholesale distributor takes title but not possession of such prescription drug and the wholesale distributor invoices the dispenser, and the dispenser receives delivery of the prescription drug directly from the manufacturer, repackager, third-party logistics provider or exclusive distributor, of such prescription drug.

(t) "Drug" means: (1) Articles recognized in the official United States pharmacopeia, or other such official compendiums of the United States, or official national formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of human or other animals; and (4) articles intended for use as a component of any articles specified in paragraph (1), (2) or (3); but does not include devices or their components, parts or accessories, except that the term "drug" shall not include amygdalin (laetrile) or any livestock remedy, if such livestock remedy had been registered in accordance with the provisions of article 5 of chapter 47 of the Kansas Statutes Annotated, prior to its repeal.

(u) "Durable medical equipment" means equipment that: (1) Provides therapeutic benefits or enables an individual to perform certain tasks that the individual is unable to otherwise undertake due to certain medical conditions or illnesses; (2) is primarily and customarily used to serve a medical purpose; (3) generally is not useful to a person in the absence of an illness or injury; (4) can withstand repeated use; (5) is appropriate for use in the home, long-term care facility or medical care facility, but may be transported to other locations to allow the individual to complete instrumental activities of daily

living that are more complex tasks required for independent living; and (6) may include devices and medical supplies or other similar equipment determined by the board in rules and regulations adopted by the board.

(v) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(w) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(x) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions that identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(y) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(z) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(aa) "Exclusive distributor" means the wholesale distributor that directly purchased the product from the manufacturer and is the sole distributor of that manufacturer's product to a subsequent repackager, wholesale distributor or dispenser.

(bb) "FDA" means the U.S. department of health and human services, food and drug administration.

(cc) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(dd) "Generic name" means the established chemical name or official name of a drug or drug product.

(ee) "Health care entity" means any person that provides diagnostic, medical, surgical or dental treatment or rehabilitative care but does not include any retail pharmacy or wholesale distributor.

(ff) (1) "Institutional drug room" means any location where prescription-only drugs are stored and from which prescription-only drugs are administered or dispensed and that is maintained or operated for the purpose of providing the drug needs of:

- (A) Inmates of a jail or correctional institution or facility;
- (B) residents of a juvenile detention facility, as defined by the revised Kansas code for care of children and the revised Kansas juvenile justice code;
- (C) students of a public or private university or college, a community college or any other institution of higher learning that is located in Kansas;
- (D) employees of a business or other employer; or

- (E) persons receiving inpatient hospice services.
- (2) "Institutional drug room" does not include:
 - (A) Any registered pharmacy;
 - (B) any office of a practitioner; or
 - (C) a location where no prescription-only drugs are dispensed and no prescription-only drugs other than individual prescriptions are stored or administered.

(gg) "Interchangeable biological product" means a biological product that the FDA has:

(1) Licensed and determined meets the standards for "interchangeability" as defined in 42 U.S.C. § 262(k), as in effect on January 1, 2017; or

(2) determined to be therapeutically equivalent as set forth in the latest edition or supplement to the FDA's approved drug products with therapeutic equivalence evaluations.

(hh) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(ii) "Intracompany transaction" means any transaction or transfer between any division, subsidiary, parent or affiliated or related company under common ownership or control of a corporate entity, or any transaction or transfer between co-licensed partners.

(jj) "Label" means a display of written, printed or graphic matter upon the immediate container of any drug.

(kk) "Labeling" means the process of preparing and affixing a label to any drug container, exclusive of the labeling by a manufacturer, packer or distributor of a non-prescription drug or commercially packaged legend drug.

(ll) "Long-term care facility" means "nursing facility," as defined in K.S.A. 39-923, and amendments thereto.

(mm) "Medical care facility" means the same as defined in K.S.A. 65-425, and amendments thereto, except that the term also includes facilities licensed under the provisions of K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, except community mental health centers and facilities for people with intellectual disability.

(nn) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a drug either directly or indirectly by extraction from substances of natural origin, independently by means of chemical or biological synthesis or by a combination of extraction and chemical or biological synthesis or the packaging or repackaging of the drug or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a drug by an individual for the individual's own use or the preparation, compounding, packaging or labeling of a drug by:

(1) A practitioner or a practitioner's authorized agent incident to such practitioner's administering or dispensing of a drug in the course of the practitioner's professional practice;

(2) a practitioner, by a practitioner's authorized agent or under a practitioner's supervision for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale; or

(3) a pharmacist or the pharmacist's authorized agent acting under the direct supervision of the pharmacist for the purpose of, or incident to, the dispensing of a drug by the pharmacist.

(oo) "Manufacturer" means:

(1) A person that holds an application approved under section 505 of the federal food, drug and cosmetic act or a license issued under section 351 of the federal public health service act for such drug or, if such drug is not the subject of an approved application or license, the person who manufactured the drug;

(2) a co-licensed partner of the person described in paragraph (1) that obtains the drug directly from a person described in paragraph (1) or (3); or

(3) an affiliate of a person described in paragraph (1) or (2) that receives the product directly from a person described in paragraph (1) or (2).

(pp) "Medication order" means an order by a prescriber for a registered patient of a Kansas licensed medical care facility.

(qq) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

~~(qq)~~(rr) "Nonresident pharmacy" means a pharmacy located outside of Kansas.

~~(rr)~~(ss) "Outsourcing facility" or "virtual outsourcing facility" means a facility at one geographic location or address that is engaged in the compounding of sterile drugs and has registered with the FDA as an outsourcing facility pursuant to 21 U.S.C. § 353b.

~~(ss)~~(tt) "Person" means individual, corporation, government, governmental subdivision or agency, partnership, association or any other legal entity.

~~(tt)~~(uu) "Pharmacist" means any natural person licensed under this act to practice pharmacy.

~~(uu)~~(vv) "Pharmacist-in-charge" means the pharmacist who is responsible to the board for a registered establishment's compliance with the laws and regulations of this state pertaining to the practice of pharmacy, manufacturing of drugs and the distribution of drugs. The pharmacist-in-charge shall supervise such establishment on a full-time or a part-time basis and perform such other duties relating to supervision of a registered establishment as may be prescribed by the board by rules and regulations. Nothing in this definition shall relieve other pharmacists or persons from their responsibility to comply with state and federal laws and regulations.

~~(vv)~~(ww) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving an internship; or (3) a graduate of a pharmacy program located outside of the United States that is not accredited and who has successfully passed equivalency examinations approved by the board.

~~(ww)~~(xx) "Pharmacy," "drugstore" or "apothecary" means premises, laboratory, area or other place: (1) Where drugs are offered for sale where the profession of pharmacy is practiced and where prescriptions are compounded and dispensed; (2) that has displayed upon it or within it the words "pharmacist," "pharmaceutical chemist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "drug sundries" or any of these words or combinations of these words or words of similar import either in English

or any sign containing any of these words; or (3) where the characteristic symbols of pharmacy or the characteristic prescription sign "Rx" may be exhibited. As used in this subsection, premises refers only to the portion of any building or structure leased, used or controlled by the licensee in the conduct of the business registered by the board at the address for which the registration was issued.

~~(xx)~~(yy) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers or servers and is controlled by the pharmacy.

(yy)(zz) "Pharmacy technician" means an individual who, under the direct supervision and control of a pharmacist, may perform packaging, manipulative, repetitive or other nondiscretionary tasks related to the processing of a prescription or medication order and who assists the pharmacist in the performance of pharmacy-related duties, but who does not perform duties restricted to a pharmacist.

~~(zz)~~(aaa) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist or scientific investigator or other person authorized by law to use a prescription-only drug in teaching or chemical analysis or to conduct research with respect to a prescription-only drug.

(aaa)(bbb) "Preceptor" means a licensed pharmacist who possesses at least two years' experience as a pharmacist and who supervises students obtaining the pharmaceutical experience required by law as a condition to taking the examination for licensure as a pharmacist.

(bbb)(ccc) "Prescriber" means a practitioner or a mid-level practitioner.

(eee)(ddd) "Prescription" or "prescription order" means: (1) An order to be filled by a pharmacist for prescription medication issued and signed by a prescriber in the authorized course of such prescriber's professional practice; or (2) an order transmitted to a pharmacist through word of mouth, note, telephone or other means of communication directed by such prescriber, regardless of whether the communication is oral, electronic, facsimile or in printed form.

~~(ddd)~~(eee) "Prescription medication" means any drug, including label and container according to context, that is dispensed pursuant to a prescription order.

(eee)(fff) "Prescription-only drug" means any drug whether intended for use by human or animal, required by federal or state law, including 21 U.S.C. § 353, to be dispensed only pursuant to a written or oral prescription or order of a practitioner or is restricted to use by practitioners only.

(fff)(ggg) "Probation" means the practice or operation under a temporary license, registration or permit or a conditional license, registration or permit of a business or profession for which a license, registration or permit is granted by the board under the provisions of the pharmacy act of the state of Kansas requiring certain actions to be accomplished or certain actions not to occur before a regular license, registration or permit is issued.

~~(ggg)~~(hhh) "Product" means the same as defined by part H of the federal drug supply chain security act, 21 U.S.C. § 351 et seq. and 21 U.S.C. § 360eee.

(hhh)(iii) "Professional incompetency" means:

(1) One or more instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree that constitutes gross negligence, as determined by the board;

(2) repeated instances involving failure to adhere to the applicable standard of

pharmaceutical care to a degree that constitutes ordinary negligence, as determined by the board; or

(3) a pattern of pharmacy practice or other behavior that demonstrates a manifest incapacity or incompetence to practice pharmacy.

~~(iii)~~(jjj) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized record-keeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

~~(jjj)~~(lll) "Repackage" means changing the container, wrapper, quantity or label of a drug to further the distribution of the drug.

~~(lll)~~(mmm) "Repackager" means a person who owns or operates a facility that repackages.

~~(mmm)~~(nnn) "Retail dealer" means a person selling at retail nonprescription drugs that are repackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug intended for human use by hypodermic injection.

~~(nnn)~~(ooo) "Return" means providing product to the authorized immediate trading partner from whom such product was purchased or received, or to a returns processor or reverse logistics provider for handling of such product.

~~(ooo)~~(ppp) "Returns processor" or "reverse logistics provider" means a person who owns or operates an establishment that disposes of or otherwise processes saleable or nonsaleable products received from an authorized trading partner such that the product may be processed for credit to the purchaser, manufacturer or seller or disposed of for no further distribution.

~~(ppp)~~(qqq) "Secretary" means the executive secretary of the board.

~~(qqq)~~(rrr) "Third-party logistics provider" means an entity that provides or coordinates warehousing or other logistic services of a product in interstate commerce on behalf of a manufacturer, wholesale distributor or dispenser, but does not take ownership of the product or have responsibility to direct the sale or disposition of the product.

~~(rrr)~~(sss) "Trading partner" means:

(1) A manufacturer, repackager, wholesale distributor or dispenser from whom a manufacturer, repackager, wholesale distributor or dispenser accepts direct ownership of a product or to whom a manufacturer, repackager, wholesale distributor or dispenser transfers direct ownership of a product; or

(2) a third-party logistics provider from whom a manufacturer, repackager, wholesale distributor or dispenser accepts direct possession of a product or to whom a manufacturer, repackager, wholesale distributor or dispenser transfers direct possession of a product.

~~(sss)~~(ttt) "Transaction" means the transfer of product between persons in which a change of ownership occurs.

~~(ttt)~~(uuu) "Unprofessional conduct" means:

(1) Fraud in securing a registration or permit;

(2) intentional adulteration or mislabeling of any drug, medicine, chemical or poison;

(3) causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled;

(4) intentionally falsifying or altering records or prescriptions;

(5) unlawful possession of drugs and unlawful diversion of drugs to others;

(6) willful betrayal of confidential information under K.S.A. 65-1654, and amendments thereto;

(7) conduct likely to deceive, defraud or harm the public;

(8) making a false or misleading statement regarding the licensee's professional practice or the efficacy or value of a drug;

(9) commission of any act of sexual abuse, misconduct or exploitation related to the licensee's professional practice; or

(10) performing unnecessary tests, examinations or services that have no legitimate pharmaceutical purpose.

~~(uuu)~~(vvy) "Vaccination protocol" means a written protocol, agreed to by a pharmacist and a person licensed to practice medicine and surgery by the state board of healing arts, that establishes procedures and recordkeeping and reporting requirements for administering a vaccine by the pharmacist for a period of time specified therein, not to exceed two years.

~~(vvv)~~(www) "Valid prescription order" means a prescription that is issued for a legitimate medical purpose by an individual prescriber licensed by law to administer and prescribe drugs and acting in the usual course of such prescriber's professional practice. A prescription issued solely on the basis of an internet-based questionnaire or consultation without an appropriate prescriber-patient relationship is not a valid prescription order.

~~(www)~~(xxx) "Veterinary medical teaching hospital pharmacy" means any location where prescription-only drugs are stored as part of an accredited college of veterinary medicine and from which prescription-only drugs are distributed for use in treatment of or administration to a nonhuman.

~~(xxx)~~(yyy) "Wholesale distributor" means any person engaged in wholesale distribution of prescription drugs, other than a manufacturer, co-licensed partner, third-party logistics provider or repackager.

~~(yyy)~~(zzz) "Wholesale distribution" means the distribution or receipt of prescription drugs to or by persons other than consumers or patients, in which a change of ownership occurs. Wholesale distribution does not include:

(1) The dispensing of a prescription drug pursuant to a prescription;

(2) the distribution of a prescription drug or an offer to distribute a prescription drug for emergency medical reasons, including a public health emergency declaration pursuant to section 319 of the public health service act, except that, for purposes of this paragraph, a drug shortage not caused by a public health emergency shall not constitute an emergency medical reason;

(3) intracompany distribution of any drug between members of an affiliate or within a manufacturer;

(4) the distribution of a prescription drug or an offer to distribute a prescription drug among hospitals or other health care entities under common control;

(5) the distribution of a prescription drug or the offer to distribute a prescription

drug by a charitable organization described in 503(c)(3) of the internal revenue code of 1954 to a nonprofit affiliate of the organization to the extent otherwise permitted by law;

(6) the purchase or other acquisition by a dispenser, hospital or other health care entity for use by such dispenser, hospital or other health care entity;

(7) the distribution of a drug by the manufacturer of such drug;

(8) the receipt or transfer of a drug by an authorized third-party logistics provider, provided that such third-party logistics provider does not take ownership of the drug;

(9) the transport of a drug by a common carrier, provided that the common carrier does not take ownership of the drug;

(10) the distribution of a drug or an offer to distribute a drug by an authorized repackager that has taken ownership or possession of the drug and repacks it in accordance with section 582(e) of the federal food, drug and cosmetic act;

(11) saleable drug returns when conducted by a dispenser;

(12) the distribution of minimal quantities of drugs by licensed retail pharmacies to licensed practitioners for office use;

(13) the distribution of a collection of finished medical devices, including a product or biological product in accordance with 21 U.S.C. § 353(e)(4)(M);

(14) the distribution of an intravenous drug that, by its formulation, is intended for the replenishment of fluids and electrolytes, including sodium, chloride and potassium, or calories, including dextrose and amino acids;

(15) the distribution of an intravenous drug used to maintain the equilibrium of water and minerals in the body, such as dialysis solutions;

(16) the distribution of a drug that is intended for irrigation, or sterile water, whether intended for such purposes or for injection;

(17) the distribution of medical gas;

(18) facilitating the distribution of a product by providing solely administrative services, including processing of orders and payments;

(19) the transfer of a product by a hospital or other health care entity, or by a wholesale distributor or manufacturer operating under the direction of a hospital or other health care entity, to a repackager described in section 581(16)(B) and registered under section 510 of the food, drug and cosmetic act for the purpose of repackaging the drug for use by that hospital or other health care entity, or other health care entities under common control, if ownership of the drug remains with the hospital or other health care entity at all times; or

(20) the sale or transfer from a retail pharmacy of expired, damaged, returned or recalled prescription drugs to the original manufacturer, originating wholesale distributor or to a third-party returns processor in accordance with the board's rules and regulations.

Sec. 8. K.S.A. 65-1626 is hereby repealed.

Sec. 9. On and after March 1, 2020, K.S.A. 65-2803, 65-2836 and 65-2877a are hereby repealed.";

Also on page 3, in line 19, by striking "Kansas register" and inserting "statute book"; And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 5; in line 6, by striking all before the period and inserting "health and healthcare; providing for licensed pharmacists to administer certain drugs; authorizing

certain business entities to hire physicians and chiropractors; requiring electronic prescriptions for certain controlled substances; amending K.S.A. 65-1626, 65-2803, 65-2836 and 65-2877a and repealing the existing sections";

And your committee on conference recommends the adoption of this report.

GENE SUELLENTROP

ED BERGER

BARBARA BOLLIER

Conferees on part of Senate

BRENDA LANDWEHR

JOHN EPLEE

MONICA MURNAN

Conferees on part of House

Senator Suellentrop moved the Senate adopt the Conference Committee Report on **HB 2119**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Absent or Not Voting: Estes, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to S Sub HB 2214 submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Senate Substitute for House Bill No. 2214, as follows:

On page 2, in line 1, by striking "conventional"; in line 2, by striking the first "and" and inserting "or";

And your committee on conference recommends the adoption of this report.

MIKE PETERSEN

DAN GODDARD

PAT PETTEY

Conferees on part of Senate

RICHARD PROEHL

JACK THIMESH

HENRY HELGERSON

Conferees on part of House

Senator Peterson moved the Senate adopt the Conference Committee Report on **S Sub HB 2214**.

On roll call, the vote was: Yeas 36; Nays 2; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Nays: Hilderbrand, Pyle.

Absent or Not Voting: Estes, Wilborn.

The Conference Committee Report was adopted.

COMMUNICATIONS FROM STATE OFFICERS

March 25, 2019

Central Interstate Low-Level Radioactive Waste Commission Chairperson, R. Scott Blackwell, submitted the annual report of the Central Interstate Low-Level Radioactive Waste Commission.

The President announced that this report is on file in the office of the Secretary of the Senate and available for review at any time.

CHANGE OF CONFERENCE

The President appointed Senator Billinger to replace Senator Estes as a member of the conference committee on **HB 2167**.

On motion of Senator Denning, the Senate recessed until 1:00 p.m.

The Senate met pursuant to recess with President Wagle in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **SB 18**.

The House adopts the Conference Committee report on **SB 70**.

The House adopts the Conference Committee report on **SB 78**.

CHANGE OF REFERENCE

The President withdrew **SB 109** from the Calendar under the heading of **General Orders**, and re-referred the bill to the Committee on **Financial Institutions and Insurance**.

The President re-referred **S Sub HB 2143** from the **Calendar** to the Committee on **Financial Institutions and Insurance**.

The President withdrew **SB 238**, **SB 239** from the Committee on **Assessment and Taxation**, and referred the bill to the Committee on **Financial Institutions and Insurance**.

MESSAGES FROM THE GOVERNOR

SB 90, **SB 94** approved on April 04, 2019.

On motion of Senator Denning, the Senate recessed until 4:15 p.m.

The Senate met pursuant to recess with Vice President Longbine in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2031; S Sub HB 2007, ; HB 2087, HB 2126; S Sub HB 2225, HB 2209.**

The House adopts the Conference Committee report on **HB 2039, HB 2177; S Sub HB 2214; SB 63.**

On motion of Senator Denning, the Senate recessed until 5:30 p.m.

The Senate met pursuant to recess with Vice President Longbine in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2119; SB 67.**

The House concurs in Senate amendments to **HB 2038**, and requests return of the bill.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 67 submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee of the Whole amendments as follows:

On page 1, by striking all in lines 7 through 36;

By striking all on pages 2 through 13;

On page 14, by striking all in lines 1 through 27; following line 27, by inserting:

"Section 1. (a) As used in this section:

(1) "Abortion" means the same as defined in K.S.A. 65-6701, and amendments thereto.

(2) "Medication abortion" means the use or prescription of any drug for the purpose of inducing an abortion.

(3) "Medical emergency" means the same as defined in K.S.A. 65-6701, and amendments thereto.

(b) (1) Any private office, freestanding surgical outpatient clinic, hospital or other facility or clinic where medication abortions that use mifepristone are provided shall post a conspicuous sign that is clearly visible to patients, that is printed with lettering that is legible and at least ³/₄ of an inch boldfaced type and that reads:

"NOTICE TO PATIENTS HAVING MEDICATION ABORTIONS THAT USE MIFEPRISTONE: Mifepristone, also known as RU-486 or mifeprex, alone is not always effective in ending a pregnancy. It may be possible to reverse its intended effect if the second pill or tablet has not been taken or administered. If you change your mind and wish to try to continue the pregnancy, you can get immediate help by accessing available resources."

The notice shall also include information about the department of health and environment website, required to be maintained under K.S.A. 65-6710, and amendments thereto, and other relevant telephone and internet resources containing

information on where the patient can obtain timely assistance to attempt to reverse the medication abortion.

(2) (A) Any private office or freestanding surgical outpatient clinic where medication abortions that use mifepristone are provided shall post the sign required by paragraph (1) in each patient waiting room and patient consultation room used by patients for whom medication abortions are provided.

(B) A hospital or other facility where medication abortions that use mifepristone are provided that is not a private office or freestanding surgical outpatient clinic shall post the sign required by paragraph (1) in each patient admission area used by patients for whom medication abortions that use mifepristone are provided.

(c) (1) Except in the case of a medical emergency, no physician shall provide, induce or attempt to provide or induce a medication abortion that use mifepristone without informing the woman, in writing, in the manner prescribed by K.S.A. 65-6709, and amendments thereto, and also either by telephone or in person, at least 24 hours prior to the medication abortion:

(A) That it may be possible to reverse the intended effects of a medication abortion that uses mifepristone, if the woman changes her mind, but that time is of the essence; and

(B) information on reversing the effects of a medication abortion that uses mifepristone is available on the department of health and environment's website, required to be maintained under K.S.A. 65-6710, and amendments thereto, and other relevant telephone and internet resources containing information on where the patient can obtain timely assistance to attempt to reverse the medication abortion.

(2) After a physician dispenses or provides an initial administration of mifepristone to a patient for the purposes of performing a medication abortion, the physician or an agent of the physician shall provide a legible, written notice to the patient that includes the same information as required under subsection (b)(1).

(d) When a medical emergency compels the performance of a medication abortion that use mifepristone, the physician shall inform the woman, prior to the medication abortion, if possible, of the medical indications supporting the physician's judgment that an abortion is necessary to avert the woman's death or that a 24-hour delay would create serious risk of substantial and irreversible impairment of a major bodily function, excluding psychological or emotional conditions.

(e) Within 90 days after the effective date of this section, the department of health and environment shall cause to be published, in English and in each language that is the primary language of 2% or more of the state's population, in print and on the website required to be maintained under K.S.A. 65-6710, and amendments thereto, comprehensible materials designed to inform women of the possibility of reversing the effects of a medication abortion that uses mifepristone and information on resources available to reverse the effects of a medication abortion that uses mifepristone. The website shall also include other relevant telephone and internet resources containing information on where the patient can obtain timely assistance to attempt to reverse the medication abortion.

(f) Upon a first conviction of a violation of this section, a person shall be guilty of a class A person misdemeanor. Upon a second or subsequent conviction of a violation of this section, a person shall be guilty of a severity level 10, person felony.

(g) The department of health and environment shall assess a fine of \$10,000 to any

private office, freestanding surgical outpatient clinic, hospital or other clinic or facility that fails to post a sign required by subsection (b). Each day that a medication abortion that uses mifepristone, other than a medication abortion that is necessary to prevent the death of the pregnant woman, is performed in any private office, freestanding surgical outpatient clinic, hospital or other facility or clinic when the required sign is not posted during a portion of that day's business hours when patients or prospective patients are present shall be a separate violation. The department of health and environment shall remit all moneys received from fines under this subsection to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount into the state treasury to the credit of the state general fund.

(h) (1) If a physician provides a medication abortion using mifepristone in violation of this section, the following individuals may bring a civil action in a court of competent jurisdiction against the physician for actual damages, exemplary and punitive damages and any other appropriate relief:

- (A) A woman to whom such medication abortion has been provided;
- (B) the father of the unborn child who was subject to such medication abortion; or
- (C) any grandparent of the unborn child who was subject to such medication abortion, if the woman was not 18 years of age or older at the time the medication abortion was performed or if the woman died as a result of the medication abortion.

(2) Notwithstanding any other provision of law, any action commenced in accordance with this subsection shall be filed within two years after the later of:

- (A) The date of the discovery of the violation under this section; or
 - (B) the conclusion of a related criminal case.
- (3) In any action brought under this section, the court shall award reasonable attorney fees and costs to:
- (A) A prevailing plaintiff; or
 - (B) a prevailing defendant upon a finding that the action was frivolous and brought in bad faith.

(i) In any civil or criminal proceeding or action brought under this section, the court shall rule whether the anonymity of any woman to whom a medication abortion has been provided, induced or attempted to be provided or induced shall be preserved from public disclosure, if she does not give her consent to such disclosure. The court, upon motion or sua sponte, shall make such a ruling and, upon determining that the woman's anonymity should be preserved, shall issue orders to the parties, witnesses and counsel and shall direct the sealing of the record and exclusion of individuals from courtrooms or hearing rooms to the extent necessary to safeguard the woman's identity from public disclosure. Each such order shall be accompanied by specific written findings explaining why the anonymity of the woman should be preserved from public disclosure, why the order is essential to that end, how the order is narrowly tailored to serve that interest and why no reasonable less restrictive alternative exists. In the absence of written consent of the woman to whom a medication abortion has been provided, induced or attempted to be provided or induced, any person, other than a public official, who brings an action under this section shall do so under a pseudonym. This subsection shall not be construed to conceal the identity of the plaintiff or witnesses from the defendant.

(j) If any provision of this section, or any application thereof to any person or

circumstance, is held invalid by court order, then such invalidity shall not affect the remainder of this section and any application thereof to any person or circumstance that can be given effect without such invalid provision or application, and to this end, the provisions of this section are declared to be severable.

(k) Any person licensed by the state board of healing arts or the board of nursing who prescribes or administers progesterone for the purpose of reversing a medication abortion shall:

(1) Report to the department of health and environment that the person has prescribed or administered progesterone to a patient for the purpose of reversing a medication abortion within 14 days of such prescription or administration;

(2) if the progesterone treatment fails to reverse the effects of the medication abortion, report to the department of health and environment within 14 days of such failure; and

(3) if the woman to whom progesterone is prescribed or administered for the purpose of reversing a medication abortion successfully carries the pregnancy to term, report to the department of health and environment the maternal and newborn health conditions at the time of birth within 14 days of the birth.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3; in line 4, by striking all before the period and inserting "abortion; relating to medication abortions; notification requirements";

And your committee on conference recommends the adoption of this report.

BRENDA LANDWEHR

JOHN EPLEE

MONICA MURNAN

Conferees on part of House

GENE SUELLENTROP

ED BERGER

BARBARA BOLLIER

Conferees on part of Senate

Senator Suellentrop moved the Senate adopt the Conference Committee Report on **SB 67**.

On roll call, the vote was: Yeas 26; Nays 11; Present and Passing 0; Absent or Not Voting 3.

Yeas: Alley, Baumgardner, Berger, Billinger, Bowers, Braun, Denning, Doll, Givens, Goddard, Hardy, Hilderbrand, Kerschen, Longbine, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, Rucker, Suellentrop, Taylor, Tyson, Wagle.

Nays: Bollier, Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Miller, Pettey, Skubal, Sykes, Ware.

Absent or Not Voting: Estes, Haley, Wilborn.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: I vote "NO" on the Conference Committee Report containing **SB 67**. The legislature should not insert itself into the private physician-patient

relationship and the practice of medicine. Requiring a physician to tell a patient that a non-scientifically based treatment may change the outcome of a medical abortion is misleading to patients. Women in Kansas should be confident that their physicians and other caregivers provide information that they believe to be true. The American College of Obstetrics and Gynecology stands opposed to this legislation, calling it based on junk science. This bill did not receive a hearing in the Public Health and Welfare committee to fully vet this issue. Kansas women deserve better.—BARBARA BOLLIER

Senators Francisco, Hawk, Hensley, Sykes and Ware request the record to show they concur with the "Explanation of Vote" offered by Senator Bollier on **SB 67**.

Mr. Vice President: I vote "NO" on the Conference Committee Report on **Senate Bill 67**. I am concerned with the infringement upon the physician-patient relationship. I also cannot understand why, if we are requiring a notice be posted in a caregiver's office, hospital or clinic to inform a woman that it may be possible to reverse the intended effects of a medication abortion that uses mifepristone, we include information about the Department of Health and Environment website and other relevant telephone and internet resources containing information on where the patient can obtain timely assistance to reverse the medication abortion without any suggestion that they might talk directly to their caregiver.—MARCI FRANCISCO

Senators Bollier and Hawk request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SB 67**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 70 submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 7, following line 2, by inserting:

"New Sec. 7. Chambourcin, a complex red wine grape variety, is hereby designated as the official red wine grape of the state of Kansas.

New Sec. 8. Vignoles, a complex white wine grape variety, is hereby designated as the official white wine grape of the state of Kansas.

New Sec. 9. (a) Every express company or other common carrier that delivers any alcoholic liquors from outside the state for delivery in the state to consumers shall prepare and file monthly with the director of alcoholic beverage control a report of known alcoholic liquors shipped by such carrier. The report shall contain: (1) The name of the express company or other common carrier that delivers the alcoholic liquors; (2) the period of time covered by the report; (3) the name and business address of the consignor of such alcoholic liquors; (4) the weight of the package delivered to each consignee; (5) a unique tracking number; and (6) the date of delivery. Except as provided for in subsection (d), all reports submitted pursuant to this subsection shall be open records available for public inspection in accordance with the open records act.

(b) Upon request by the director, any additional records supporting the report shall be made available to the director by any express company or other common carrier. Any records containing information relating to such reports shall be kept and preserved for a period of two years unless the destruction of such records is authorized in writing by the

director.

(c) Any express company or other common carrier that willfully fails, neglects or refuses to file any report pursuant to subsection (a) shall be subject to a civil penalty of not more than \$500.

(d) If any of the reports required by subsection (a) include any information relating to the name or address of a consignee of any alcoholic liquors, such information shall be redacted from the reports that are made available for public inspection. The provisions of this subsection providing for the confidentiality of certain public records shall expire on July 1, 2024, unless the legislature reviews and reenacts such provisions in accordance with K.S.A. 45-229, and amendments thereto, prior to July 1, 2024.

(e) The provisions of this section shall be a part of and supplemental to the Kansas liquor control act.":

On page 10, following line 14, by inserting:

"Sec. 11. K.S.A. 2018 Supp. 41-304 is hereby amended to read as follows: 41-304. Licenses issued by the director shall be of the following classes: (a) Manufacturer's license; (b) spirits distributor's license; (c) wine distributor's license; (d) beer distributor's license; (e) retailer's license; (f) microbrewery license; (g) microdistillery license; (h) farm winery license; (i) producer's license; and ~~(j)~~ (j) nonbeverage user's license.";

Also on page 10, in line 24, after "(3)" by inserting "the manufacture for and sale of wine to holders of producer licenses as authorized by K.S.A. 2018 Supp. 41-355, and amendments thereto. Wine manufactured for a producer licensee shall be included in the farm winery licensee's annual production for purposes of subsection (c). The label for any such wine manufactured by the farm winery licensee, as filed with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, may be owned by either the farm winery or the producer licensee for whom the wine was manufactured;

(4) ";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 12, following line 35, by inserting:

"Sec. 13. K.S.A. 2018 Supp. 41-310 is hereby amended to read as follows: 41-310.

(a) At the time application is made to the director for a license of any class, the applicant shall pay the fee provided by this section.

(b) The fee for a manufacturer's license to manufacture alcohol and spirits shall be \$5,000.

(c) The fee for a manufacturer's license to manufacture beer and cereal malt beverage shall be:

- (1) For 1 to 100 barrel daily capacity or any part thereof, \$400.
- (2) For 100 to 150 barrel daily capacity, \$800.
- (3) For 150 to 200 barrel daily capacity, \$1,400.
- (4) For 200 to 300 barrel daily capacity, \$2,000.
- (5) For 300 to 400 barrel daily capacity, \$2,600.
- (6) For 400 to 500 barrel daily capacity, \$2,800.
- (7) For 500 or more barrel daily capacity, \$3,200.

As used in this subsection, "daily capacity" means the average daily barrel production for the previous 12 months of manufacturing operation. If no basis for

comparison exists, the licensee shall pay in advance for operation during the first term of the license a fee of \$2,000.

(d) The fee for a manufacturer's license to manufacture wine shall be \$1,000.

(e) (1) The fee for a microbrewery license, a microdistillery license or a farm winery license shall be \$500.

(2) The fee for a winery outlet license shall be \$100.

(3) The fee for a microbrewery packaging and warehousing facility license shall be \$200.

(4) The fee for a microdistillery packaging and warehousing facility license shall be \$200.

(f) The fee for a spirits distributor's license for the first and each additional distributing place of business operated in this state by the licensee and wholesaling and jobbing spirits shall be \$2,000.

(g) The fee for a wine distributor's license for the first and each additional distributing place of business operated in this state by the licensee and wholesaling and jobbing wine shall be \$2,000.

(h) The fee for a beer distributor's license, for the first and each additional wholesale distributing place of business operated in this state by the licensee and wholesaling or jobbing beer and cereal malt beverage shall be \$2,000.

(i) The fee for a nonbeverage user's license shall be:

(1) For class 1, \$20.

(2) For class 2, \$100.

(3) For class 3, \$200.

(4) For class 4, \$400.

(5) For class 5, \$1,000.

(j) In addition to the license fees prescribed by subsections (b), (c), (d), (f), (g), (h) and (i):

(1) Any city in which the licensed premises are located may levy and collect a biennial occupation or license tax on the licensee in an amount not exceeding the amount of the license fee required to be paid under this act to obtain the license, but no city shall impose an occupation or privilege tax on the licensee in excess of that amount; and

(2) any township in which the licensed premises are located may levy and collect a biennial occupation or license tax on the licensee in an amount not exceeding the amount of the license fee required to be paid under this act to obtain the license, but no township shall impose an occupation or privilege tax on the licensee in excess of that amount; the township board of the township is authorized to fix and impose the tax and the tax shall be paid by the licensee to the township treasurer, who shall issue a receipt therefor to the licensee and shall cause the tax paid to be placed in the general fund of the township.

(k) The fee for a retailer's license shall be \$500.

(l) In addition to the license fee prescribed by subsection (k):

(1) Any city in which the licensed premises are located may levy and collect a biennial occupation or license tax on the licensee in an amount not less than \$200 nor more than \$600, but no other occupation or excise tax or license fee shall be levied by any city against or collected from the licensee; and

(2) any township in which the licensed premises are located may levy and collect a

biennial occupation or license tax on the licensee in an amount not less than \$200 nor more than \$600; the township board of the township is authorized to fix and impose the tax and the tax shall be paid by the licensee to the township treasurer, who shall issue a receipt therefor to the licensee and shall cause the tax paid to be placed in the general fund of the township.

(m) The fee for a producer's license shall be \$200.

(n) The license term for a license shall commence on the date the license is issued by the director effective date as specified on the license and shall end two years after that date. The director may, at the director's sole discretion and after examination of the circumstances, extend the license term of any license for not more than 30 days beyond the date such license would expire pursuant to this section. Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to this section by the same number of days the director has extended the license term.

Sec. 14. K.S.A. 2018 Supp. 41-316 is hereby amended to read as follows: 41-316. Licenses to manufacturers, distributors, microbreweries, microdistilleries, farm wineries, producers and nonbeverage users of alcoholic liquors shall be issued and renewed by the director to qualified applicants upon written application, receipt of bond properly executed and payment in advance of the state registration fee and the license fee.

Sec. 15. K.S.A. 2018 Supp. 41-317 is hereby amended to read as follows: 41-317. (a) Applications for all licenses under this act shall be completed and submitted to the director in a manner prescribed by the director. Each applicant shall submit an application fee of \$30 for each initial application and \$10 for each renewal application to defray the cost of processing the application.

(b) Each applicant shall submit to the division of alcoholic beverage control the full amount of the application fee and:

(1) The full amount of the license fee required to be paid for the kind of license specified in the application; or

(2) one-half of the full amount of the license fee required to be paid for the kind of license specified in the application.

(c) If the applicant elects to pay only one-half of the license fee pursuant to subsection (b)(2), the remaining one-half of the license fee plus 10% of such remaining balance shall be due and payable one year from the date of issuance of the license. Notwithstanding any other provision of law, failure to pay the full amount due under this subsection on the date it is due shall result in the automatic cancellation of such license for the remainder of the license term. The director may, at the director's sole discretion and after examination of the circumstances, extend the date payment is due pursuant to this subsection for not more than 30 days beyond the date such payment is originally due.

(d) Any license fee paid by an applicant shall be returned to the applicant if the application is denied.

(e) Payment of all fees required to be paid pursuant to this section may be made by personal, certified or cashier's check, United States post office money order, debit or credit card or cash, or by electronic payment authorized by the applicant in a manner prescribed by the director.

(f) All fees received by the director pursuant to this section shall be remitted by the director to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(g) Every applicant for a manufacturer's, distributor's, nonbeverage user's, microbrewery, microdistillery, farm winery, retailer's, producer's or special order shipping license shall file with the application a joint and several bond on a form prescribed by the director and executed by good and sufficient corporate sureties licensed to do business within the state of Kansas to the director, in the following amounts:

- (1) For a manufacturer, \$25,000;
- (2) for a spirits distributor, \$15,000 or an amount equal to the highest monthly liability of the distributor for taxes imposed by the Kansas liquor control act for any of the 12 months immediately prior to renewal of the distributor's license, whichever amount is greater;
- (3) for a beer or wine distributor, \$5,000 or an amount equal to the highest monthly liability of the distributor for taxes imposed by the Kansas liquor control act for any of the 12 months immediately prior to renewal of the distributor's license, whichever amount is greater;
- (4) for a retailer, \$2,000;
- (5) for nonbeverage users, \$200 for class 1, \$500 for class 2, \$1,000 for class 3, \$5,000 for class 4 and \$10,000 for class 5;
- (6) for a microbrewery, microdistillery or a farm winery, \$2,000; ~~and~~
- (7) for a producer, \$500; and
- (8) for a winery holding a special order shipping license, \$750, unless the winery has already complied with subsection (g)(6).

If a distributor holds or applies for more than one distributor's license, only one bond for all such licenses shall be required, which bond shall be in an amount equal to the highest applicable bond.

(h) All bonds required by this section shall be conditioned on the licensee's compliance with the provisions of this act and payment of all taxes, fees, fines and forfeitures that may be assessed against the licensee.

Sec. 16. K.S.A. 2018 Supp. 41-319 is hereby amended to read as follows: 41-319.

(a) Except as provided by subsection (b), within 30 days after an application is filed for a retailer's, microbrewery, microdistillery ~~or~~, farm winery license or producer license and within 20 days after an application is filed for a manufacturer's, distributor's or nonbeverage user's license, the director shall enter an order either denying or granting the license. If the director does not enter an order within the time prescribed, the license applied for shall be deemed to have been denied. The director, with the written consent of the applicant for a license, may delay entering an order on an application for an additional period of not to exceed 30 days.

(b) In order to complete any national criminal history record check of an applicant who submitted any application after January 31, 2001, and if the applicant is not a resident of the state of Kansas on the date of submission of such application or has not been a resident for at least one year immediately preceding the date of submission of such application the director shall enter an order either denying or granting the license within 90 days after such application is filed. If the director does not enter an order

within the time prescribed, the license applied for shall be deemed to have been denied. The director, with the written consent of the applicant for a license, may delay entering an order on an application for an additional period of not to exceed 30 days.

Sec. 17. K.S.A. 2018 Supp. 41-355 is hereby amended to read as follows: 41-355.

(a) Any person engaged in business as a vineyard with not less than 100 vines of sound, ripe grapes or other type of agricultural producer with an annual harvest of 1,000 pounds of other sound, ripe fruits or berries or 100 pounds of honey may apply to the director for an annual vineyard permit and be issued up to two producer licenses.

(b) A producer license shall apply only to the premises described in the application and in the issued license.

(c) A ~~vineyard permit~~ producer license shall authorize the sale in the original, unopened container and the serving by the drink of wine on the premises specified in the ~~permit~~ license. A ~~vineyard permit~~ producer license also shall authorize the ~~permit~~ license holder to conduct wine tastings in accordance with K.S.A. 2018 Supp. 41-308d, and amendments thereto, on the premises specified in the ~~permit~~ license. All wine sold or served by the ~~permit~~ license holder shall be produced, in whole or in part, using sound, ripe grapes, fruits, berries or honey grown or produced by the ~~permit~~ license holder and, shall be manufactured by a farm winery and shall be purchased by the license holder from such farm winery.

~~(d)~~ Any wine not consumed on the premises shall be disposed of by the ~~permit~~ license holder or, prior to its removal from the property, securely re-sealed and placed in a tamper-proof, transparent bag ~~which that~~ is sealed in a manner that makes it visibly apparent if the bag is subsequently opened.

~~(d)(e)~~ Permits issued under this section shall be valid for one year from the date of issuance. If the producer licensee is also licensed as a club or drinking establishment, the producer's license shall allow the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act. If the producer licensee is also licensed as a cereal malt beverage licensee, the producer's license shall allow the sale of cereal malt beverage and beer not exceeding 6% alcohol by volume for consumption on the licensed premises as authorized by the Kansas cereal malt beverage act.

~~(e)~~ The annual fee for a vineyard permit shall be \$100.

~~(f)~~ The officers, directors, shareholders or managers of a producer licensee shall meet the qualifications of K.S.A. 41-311(a), and amendments thereto.

~~(f)(g)~~ (1) Each producer licensee shall maintain records of all sales made under the license, including sales of agricultural products to a farm winery and sales to consumers, and maintain records of all purchases of wine manufactured by such farm winery, for at least three years after the date of the sale or purchase.

(2) The records required by this subsection shall be available for inspection by the director, any agent or employee of the director, the secretary or any law enforcement officer.

(3) Each record of a sale or purchase required by this subsection shall be maintained on the premises specified in the license for at least 90 days after such sale or purchase.

(4) Any record of a sale or purchase required by this subsection may be stored electronically and maintained off the premises specified in the license after 90 days have passed since such sale or purchase.

(h) The secretary may adopt rules and regulations as necessary to implement the provisions of this section.

(i) (1) Nothing in this section shall be construed to prohibit a person from possessing alcoholic liquor or cereal malt beverage not purchased from the licensee on the premises licensed pursuant to this section.

(2) Nothing in this section shall prevent a licensee from adopting a policy prohibiting the possession of alcoholic liquor or cereal malt beverage not purchased from the licensee on the licensee's premises licensed pursuant to this section.

~~(g)~~ (i) This section shall be a part of and supplemental to the Kansas liquor control act.";

On page 13, in line 1, before "section" by inserting "K.S.A. 41-2703, and amendments thereto, or";

On page 14, in line 39, before "section" by inserting "K.S.A. 41-2703, and amendments thereto, or";

On page 19, following line 18, by inserting:

"Sec. 21. K.S.A. 2018 Supp. 41-2614 is hereby amended to read as follows: 41-2614. (a) Except as provided by subsection (c), no public venue, club or drinking establishment shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 6:00 a.m. on any day.

(b) No caterer shall allow the serving, mixing or consumption of alcoholic liquor between the hours of 2:00 a.m. and 6:00 a.m. on any day at an event catered by such caterer.

(c) A hotel of which the entire premises are licensed as a drinking establishment or as a drinking ~~establishment/caterer establishment caterer~~ may allow at any time the serving, mixing and consumption of alcoholic liquor and cereal malt beverage from a minibar in a guest room by guests registered to stay in such room, and guests of guests registered to stay in such room.";

On page 20, following line 34, by inserting:

"Sec. 23. K.S.A. 2018 Supp. 41-2629 is hereby amended to read as follows: 41-2629. (a) A class B club, drinking establishment, public venue or caterer's license shall be issued for a term not to exceed two years ~~after issuance~~ commencing on the effective date as specified on the license, except as otherwise provided by law, unless sooner suspended or revoked as provided in this act.

(b) The director may, at the director's sole discretion and after examination of the circumstances, extend the license term of any license for not more than 30 days beyond such date the license would expire pursuant to this section. Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to K.S.A. 41-2622, and amendments thereto, by the same number of days the director has extended the license term.

(c) A class B club, drinking establishment, public venue or caterer's license shall be purely a personal privilege and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. A class B club, drinking establishment, public venue or caterer's license shall not descend by the laws of testate or intestate devolution but shall cease or expire upon the death of the licensee subject to subsection (d).

(d) An executor, administrator or representative of the estate of any deceased holder of a class B club, drinking establishment, public venue or caterer's license, or the trustee of any insolvent or bankrupt class B club, drinking establishment, public venue or caterer's license may continue the licensee's business under order of the appropriate court and may exercise the privilege of the deceased, insolvent or bankrupt licensee after the death of such licensee or after such insolvency or bankruptcy until the expiration of such license, but in no case longer than one year after the death, insolvency or bankruptcy of such licensee.

(e) When the licensee pays the full amount of the license fee upon application and is prevented from operating under such license in accordance with the provisions of this act for the entire second year of the license term, a refund shall be made of one-half of the license fee paid by such licensee. The secretary shall adopt, in accordance with K.S.A. 41-210, and amendments thereto, rules and regulations providing for the authorization of refunds of one-half of the license fee paid when the licensee does not use such license for the entire second year of the license term as a result of the cancellation of the license upon the request of the licensee for voluntary reasons.";

On page 24, following line 38, by inserting:

"Sec. 27. K.S.A. 41-2644 is hereby amended to read as follows: 41-2644. A license for a drinking ~~establishment/caterer~~ establishment caterer shall allow the licensee all the rights and privileges of a holder of a drinking establishment license and of a licensed caterer, subject to all provisions of law relating to such an establishment or caterer.

Sec. 28. K.S.A. 41-2648 is hereby amended to read as follows: 41-2648. (a) No drinking establishment license, caterer's license or temporary permit shall be effective before July 1, 1987.

(b) On and after July 1, 1987, the director may provide procedures whereby a license for a class B club issued before July 1, 1987, may be converted to a drinking establishment license or a drinking ~~establishment/caterer~~ establishment caterer license if all requirements of this act are met and the licensee pays that portion of the additional license fee, if any, attributable to the remaining unexpired license term.";

On page 26, in line 31, by striking all after the comma; by striking all in line 32; in line 33, by striking all before "are" and inserting "K.S.A. 41-2644 and 41-2648 and K.S.A. 2018 Supp. 41-304, 41-308a, 41-310, 41-316, 41-317, 41-319, 41-347, 41-355, 41-719, 41-2601, 41-2608, 41-2614, 41-2622, 41-2629, 41-2637, 41-2641, 41-2642, 41-2645, 41-2657 and 41-2659";

Also on page 26, in line 36, by striking "April 1, 2019, and";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "to"; by striking all in lines 2 through 6; in line 7, by striking all before the period and inserting "licensure; issuance of temporary permits and producer licenses; designation of official wine grapes of the state; delivery of alcoholic liquor, reporting requirements; serving of samples of alcoholic liquor; sales within a common consumption area; amending K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, K.S.A. 41-2644 and 41-2648 and K.S.A. 2018 Supp. 41-304, 41-308a, 41-310, 41-316, 41-317, 41-319, 41-355, 41-719, 41-2601, 41-2608, 41-2614, 41-2622, 41-2629, 41-2637, 41-2641, 41-2642 and 41-2659 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 41-347, 41-2645 and 41-2657";

And your committee on conference recommends the adoption of this report.

JOHN BARKER
 FRANCIS AWERKAMP
 STEPHANIE CLAYTON
Conferees on part of House

BUD ESTES
 ROB OLSON
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

Senator Olson moved the Senate adopt the Conference Committee Report on **SB 70**.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 0; Absent or Not Voting 3.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Absent or Not Voting: Estes, Haley, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 78** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 1, in line 8, by striking "New"; in line 32, by striking "covering" and inserting "insuring";

On page 3, by striking all in lines 2 through 43;

On page 4, by striking all in lines 1 through 27; following line 27 by inserting:

"Sec. 2. (a) (1) An applicant shall not be denied tenancy on the basis of, or as a direct result of, the fact that the applicant is a protected person if the applicant otherwise qualifies for tenancy in or occupancy of the premises.

(2) A tenant or lessee shall not be evicted from the premises or found to be in violation of a rental or lease agreement on the basis of, or as a direct result of, the fact that the tenant or lessee is a protected person if the tenant or lessee otherwise qualifies for tenancy in or occupancy of the premises.

(b) (1) A tenant or lessee shall not be liable for rent for the period after the tenant or lessee vacates the premises that is the subject of the rental or lease agreement if the tenant or lessee:

(A) Is a protected person; and

(B) notifies the landlord or property owner as required in subsection (c).

(2) In any action brought against a tenant or lessee under Kansas law that seeks recovery of rent, the tenant or lessee shall have an affirmative defense and not be liable for rent for the period after the tenant or lessee vacated the premises that is the subject of the rental or lease agreement if, by a preponderance of the evidence, the court finds that the tenant or lessee:

(A) Was a protected person on the date the tenant or lessee vacated the premises that is the subject of the rental or lease agreement; and

(B) notified the landlord or property owner as required in subsection (c).

(3) This section shall not affect a tenant or lessee's liability for late or unpaid rent or other amounts owed to the landlord for the period before the tenant or lessee vacates the premises that is the subject of the rental or lease agreement.

(c) An applicant, tenant or lessee qualifies for the protections under this section if the applicant, tenant or lessee is a protected person and provides a statement regarding domestic violence, sexual assault, human trafficking or stalking to the landlord or property owner. If the landlord or property owner requests, the applicant, tenant or lessee shall provide documentation of the domestic violence, sexual assault, human trafficking or stalking, which may be in any of the following forms:

(1) A document signed by the victim and any of the following individuals from whom the victim has sought assistance relating to domestic violence, sexual assault, human trafficking or stalking, or the effects of such abuse: A person licensed by the state board of healing arts to practice medicine and surgery; a person licensed as a physician assistant by the state board of healing arts; a person licensed by the board of nursing; or a person licensed by the behavioral sciences regulatory board. The document must declare under penalty of perjury that the licensed person holds the opinion, in their professional judgment within their scope of practice, that the incident of domestic violence, sexual assault, human trafficking or stalking that is the basis for protection under this section occurred; or

(2) a court order granting relief to the protected person relating to the alleged domestic violence, sexual assault, human trafficking or stalking that is the basis for protection under this section.

(d) The submission of false information by an applicant, tenant or lessee under this section may be a basis for a denial of tenancy, eviction or a violation of a rental or lease agreement.

(e) A landlord or property owner may impose a reasonable termination fee not to exceed one month's rent on a tenant or lessee who requests termination of a rental or lease agreement under the provisions of this section before the expiration date of such agreement. Such termination fee may only be imposed if it is contained in the terms of the rental or lease agreement.

(f) As used in this section:

(1) "Protected person" means a person who, during the preceding 12 months, has been, is or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking or stalking; and

(2) "domestic violence," "human trafficking," "sexual assault" and "stalking" mean the same as in K.S.A. 2018 Supp. 75-452, and amendments thereto.

(g) A tenant or lessee shall not waive, and a landlord or property owner shall not require a tenant or lessee to waive, any rights under this section in a rental or lease agreement.

(h) Notwithstanding a termination of a protected person's rental or lease agreement under this section, the rental or lease agreement shall continue for any remaining tenants or lessees.

(i) In an action against a landlord or property owner for a violation of this section, the court may award statutory damages of \$1,000. The court may also award reasonable

attorney fees and costs.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "consumer protection" and inserting "contracts"; in line 3, by striking all after the semicolon; by striking all in line 4; in line 5, by striking all before the period and inserting "rental and lease agreements; protections for tenants and lessees related to domestic violence, sexual assault, human trafficking or stalking";

And your committee on conference recommends the adoption of this report.

FRED PATTON

BRAD RALPH

JOHN CARMICHAEL

Conferees on part of House

RICHARD WILBORN

ERIC RUCKER

VIC MILLER

Conferees on part of Senate

Senator Rucker moved the Senate adopt the Conference Committee Report on **SB 78**.

On roll call, the vote was: Yeas 36; Nays 1; Present and Passing 0; Absent or Not Voting 3.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Wagle, Ware.

Nays: Tyson.

Absent or Not Voting: Estes, Haley, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to **S Sub HB 2167** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed as with Senate Committee of the Whole amendments, as follows:

On page 2, in line 5, after "that" by inserting "industrial"; in line 11, by striking "thereunder" and inserting "hereunder"; in line 18, by striking "thereunder" and inserting "hereunder"; in line 21, by striking "thereunder" and inserting "hereunder";

By striking all on pages 4 through 6;

On page 7, by striking all in lines 1 through 39 and inserting:

"New Sec. 4. (a) The Kansas department of agriculture shall create and maintain a registry of all hemp processors operating within the state of Kansas.

(b) Any person engaging in the processing of industrial hemp shall register annually with the secretary of agriculture prior to processing industrial hemp, except as provided in subsection (f).

(c) Registration shall expire annually on April 30. A registration fee, not to exceed \$200, shall be established pursuant to rules and regulations adopted by the secretary.

(d) Any person required to register as a hemp processor pursuant to this section shall submit an annual registration application on a form provided by the secretary that shall include, at a minimum:

(1) The full legal name, date of birth, address and telephone number of the applicant. If the applicant is not an individual, the same information shall also be provided for all owners and the individual responsible for all industrial hemp processing and related activities performed by the applicant;

(2) the physical location of any premises that will serve as a part of the applicant's industrial hemp processing operations;

(3) a brief description of the industrial hemp processing methods, activities and products planned for production; and

(4) certification that such applicant has fully complied with the fingerprinting and criminal history record check requirements contained in this section, if applicable. Any such applicant who provides a false statement of compliance with such requirements shall be guilty of a class C nonperson misdemeanor.

(e) The Kansas department of agriculture shall provide an updated list of all hemp processors to the Kansas bureau of investigation and to the county sheriff in each county where a hemp processor is located as often as is reasonably required or requested.

(f) No hemp processor who is licensed under K.S.A. 2018 Supp. 2-3902, and amendments thereto, shall be required to register pursuant to this section, but the secretary shall include such hemp processors in the list of registered hemp processors maintained by the Kansas department of agriculture pursuant to this section.

(g) Fees collected pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the commercial industrial hemp act licensing fee fund.

(h) Except as provided in subsection (f), it shall be unlawful for any person to operate as a hemp processor without valid registration.

(i) (1) Upon a first conviction for a violation of subsection (h), a person shall be guilty of a class A nonperson misdemeanor.

(2) On a second or subsequent conviction for a violation of subsection (h), a person shall be guilty of a severity level 9, nonperson felony.

(j) (1) A registered hemp processor, or an applicant to become a registered hemp processor, shall request the Kansas bureau of investigation to conduct a state and national criminal history record check on any individual employed or seeking employment under such registered hemp processor or applicant who would be engaged in extraction of cannabinoids, including through the disposal of cannabinoids from industrial hemp, pursuant to section 6, and amendments thereto. The request for a state and national criminal history record check shall include the following:

(A) The individual's fingerprints; and

(B) a copy of a completed and signed statement furnished by the hemp processor that includes:

(i) A waiver permitting the hemp processor to request and receive a criminal history record check for the purpose of determining the individual's qualification and fitness to process industrial hemp;

(ii) the name, address and date of birth of the individual as it appears on a valid

identification document;

(iii) a disclosure of whether or not the individual has ever been convicted of or is the subject of pending charges for a criminal offense and, if convicted, a description of the crime and the result of the conviction; and

(iv) a notice to the individual that they are entitled to obtain a copy of the criminal history record check to challenge the accuracy and completeness of any information contained in any such report before any final determination is made by the hemp processor.

(2) A registered hemp processor, or an applicant to become a registered hemp processor, shall require such individual to be fingerprinted and to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Such hemp processor or applicant shall use the fingerprints to identify the individual and to determine whether the individual has a record of criminal history in this state or other jurisdictions or countries. The hemp processor may use the information obtained from the fingerprints and such state and national criminal history record checks in the official determination of the qualifications and fitness of the individual to process industrial hemp. Disclosure or use of any information received by the hemp processor for any purpose other than the purposes provided for in the commercial industrial hemp act shall be a class A nonperson misdemeanor.

(3) Local and state law enforcement officers and agencies shall assist the hemp processor in taking and processing such individual's fingerprints as authorized by this section.

(4) The Kansas bureau of investigation shall release all records of the individual's adult convictions and adult convictions from another state, jurisdiction or country, to the hemp processor to make a final determination of the qualification of such individual to process industrial hemp.

(5) An individual who has been convicted of a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years, shall be disqualified from processing industrial hemp under this section.

(6) A hemp processor shall be solely responsible for making any determination that an individual's criminal history record shows that such individual has been convicted of a crime that bears upon the fitness of such individual to extract cannabinoids from industrial hemp. This section does not require the Kansas bureau of investigation to make such a determination on behalf of any hemp processor.

(7) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(8) A registered hemp processor, or an applicant to become a registered hemp processor, shall pay the costs of fingerprinting and the state and national criminal history record checks for individuals seeking employment under such hemp processor or applicant.

(k) The secretary shall promulgate rules and regulations to carry out the provisions of this section.

(l) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments thereto.";

On page 8, in line 6, after "any" by inserting "other"; in line 7, by striking all after

"hemp"; by striking all in lines 8 and 9; in line 10, by striking all before the period and inserting "that is prohibited pursuant to the Kansas food, drug and cosmetic act, K.S.A. 65-636 et seq., and amendments thereto, and the commercial feeding stuffs act, K.S.A. 2-1001 et seq., and amendments thereto. This subparagraph shall not otherwise prohibit the use of any such ingredient, including cannabidiol oil, in such hemp products"; in line 22, by striking "operating"; in line 23, by striking all before the comma and inserting "registered as a hemp processor pursuant to section 4, and amendments thereto"; in line 29, after the semicolon, by striking "and" and inserting "or"; in line 32, by striking all after "misdemeanor"; by striking all in line 33; in line 34, by striking all before the period; in line 35, after "second" by inserting "or subsequent"; in line 36, by striking all after "felony"; by striking all in lines 37 through 43;

On page 9, in line 1, by striking all before the period; in line 6, by striking "authorized" and inserting "not prohibited"; in line 23, by striking "act" and inserting "section"; in line 27, after "(b)" by inserting "Any violation of this section shall be considered an unlawful act for the purposes of K.S.A. 65-3409, and amendments thereto.

(c) ";

On page 10, in line 2, after "THC" by inserting ":

(A) ";

Also on page 10, in line 3, after the period by inserting ";

(B) on a percentage by weight basis in hemp products, waste or substances resulting from the production or processing of industrial hemp.";

Also on page 10, in line 19, by striking "licensed" and inserting "registered"; in line 20, by striking the second comma and inserting "and"; also in line 20, by striking "and distribute";

On page 11, in line 1, by striking "that"; also in line 1, after "plants" by inserting "to"; in line 5, by striking all before "not" and inserting "they do";

On page 13, in line 6, by striking "thereunder" and inserting "hereunder";

On page 32, in line 29, by striking "on"; in line 30, by striking all before the semicolon;

And by renumbering sections accordingly;

And your committee on conference recommends the adoption of this report.

DAN KERSCHEN

RICK BILLINGER

MARCI FRANCISCO

Conferees on part of Senate

RON HIGHLAND

ERIC SMITH

SYDNEY CARLIN

Conferees on part of House

Senator Kerschchen moved the Senate adopt the Conference Committee Report on **S Sub HB 2167**.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 0; Absent or Not Voting 3.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll,

Faust-Goudeau, Francisco, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Absent or Not Voting: Estes, Haley, Wilborn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MR. SPEAKER and MADAM PRESIDENT: Your committee on conference on Senate amendments to HB 2223 submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 6 through 34;

By striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 30 and inserting:

"New Section 1. (a) Under the authority of this section and the legislative post audit act, and subject to appropriations therefor, the legislative post audit committee shall direct the post auditor and the division of post audit to conduct a systematic and comprehensive review, analysis and evaluation, under the provisions of the legislative post audit act, of economic development incentive programs, as defined in section 2, and amendments thereto, as selected by the legislative post audit committee. The evaluation procedure established by this section is intended to enhance and facilitate the ability of the legislature to fulfill its responsibility to evaluate and oversee economic development incentive programs. The oversight of economic development incentive programs is intended to remain with the legislature, independent of the legislative post audit committee. This section shall not be construed to limit, in any way, oversight of economic development incentive programs to the legislative post audit committee.

(b) The evaluations shall be considered within the meaning of the term audit for purposes of the legislative post audit act and shall be conducted by the post auditor and the division of legislative post audit pursuant to a schedule developed by the legislative post audit committee, such that all economic development incentive programs shall be reviewed every three years, and new economic development incentive programs shall be reviewed the year after the program commences, and then every three years thereafter. The timing and extent of the evaluations may be subject to adjustment by the legislative post audit committee in a manner consistent with the requirements of this section as necessary to conform with resources available to the post auditor in consideration of the demands of other duties under the legislative post audit act.

(c) In conducting such evaluations, the post auditor and the division of post audit shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, to the same extent permitted under K.S.A. 46-1106(e), and amendments thereto, and shall be subject to the same duty of confidentiality as provided by the legislative post audit act.

(d) Evaluations shall be conducted with the goal of enabling evidence-based policy determinations by the legislature with respect to economic development incentive programs. To the extent reasonably possible, evaluations shall utilize direct and documented evidence and primary-source instead of secondary source data. An

evaluation shall include, as directed by the post audit committee:

(1) A description of the economic development incentive program, its history and its goals;

(2) a literature review of the effectiveness of this type of incentive program, including an inventory of similar incentive programs in other states;

(3) an estimate of the economic and fiscal impact of the incentive program;

This estimate may take into account the following considerations in addition to other relevant factors:

(A) The extent to which the incentive program changes business behavior;

(B) the results of the incentive program for the economy of Kansas as a whole, including both positive direct and indirect impacts and any negative effects on other Kansas businesses;

(C) a comparison with the results of other incentive programs or other economic development strategies with similar goals;

(D) an assessment of whether protections are in place to ensure that the fiscal impact of the incentive program does not substantially increase beyond the state's means or expectations in future years;

(E) an assessment of the incentive program's design and whether the incentive program is being effectively administered in accordance with the program's enacting statute or statutes;

(F) an assessment of whether the incentive program is achieving its goals;

(G) recommendations for any changes to state policy, rules and regulations or statutes that would allow the incentive program to be more easily or conclusively evaluated in the future. These recommendations may include changes to collection, reporting and sharing of data, and revisions or clarifications to the goals of the incentive program;

(H) a return on investment calculation for the economic development incentive program. For purposes of this paragraph, "return on investment calculation" means analyzing the cost to the state or political subdivision for providing the economic development incentive program and analyzing the benefits realized by the state or political subdivision from providing the economic development incentive program;

(I) the methodology and assumptions used in carrying out the reviews, analyses and evaluations required under this subsection, including an analysis of multiplier effects and a critique of the multiplier effect determination methodologies utilized in the evaluation report, including any determinations made using standard industry software models, and any respective limitations or potential effects of such methods on outcomes; and

(J) an analysis of significant opportunity costs of the incentive program at the state and local level;

(4) any other information that the legislative post audit committee deems necessary to assess the effectiveness of the incentive program and whether it is achieving the goals of the incentive program; and

(5) all information, after redaction, as necessary, by the post auditor to remove information confidential under state or federal law, required for publication pursuant to section 3, and amendments thereto, with respect to the economic development incentive program being evaluated.

(e) The post auditor shall prepare and submit a written report with respect to each

evaluation to the legislative post audit committee as provided by the legislative post audit act and, in addition, shall prepare and provide any redacted information, with respect to the economic incentive program evaluated, required for publication by the secretary of commerce pursuant to section 3, and amendments thereto, to the secretary of commerce if such information is not otherwise available to the secretary of commerce.

(f) This section shall be a part of and supplemental to the legislative post audit act.

New Sec. 2. As used in sections 2 and 3, and amendments thereto:

(a) "Administering agency" means the state agency or department charged with administering a particular economic development incentive program, as set forth by the program's enacting statute or, where no department or agency is set forth, the department of revenue.

(b) "Economic development incentive program" means:

(1) Any economic development incentive program administered wholly or in part by the secretary of commerce;

(2) any tax credit program, except for social and domestic tax credits, regardless of the administering agency;

(3) property that has been exempted from ad valorem taxation under the provisions of section 13 of article 11 of the constitution of the state of Kansas;

(4) property that has been purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 through 12-1749a, and amendments thereto, that is exempt from ad valorem taxation under K.S.A. 79-201a *Second*, and amendments thereto; and

(5) any economic development fund, including, but not limited to, the job creation program fund established by K.S.A. 74-50,224, and amendments thereto, and the economic development initiatives fund, established by K.S.A. 79-4804, and amendments thereto.

(c) "Enterprise" means a corporation, limited liability company, S corporation, partnership, registered limited liability partnership, foundation, association, nonprofit entity, sole proprietorship, business trust or other entity engaged in business.

(d) "Recipient" means the enterprise that is the original applicant for and that receives proceeds from an economic development incentive program directly from the administering agency. "Recipient" includes an enterprise that is no longer solvent due to bankruptcy and a recipient with respect to an economic development project that has failed.

(e) "Social and domestic tax credits" means the adoption credit created pursuant to K.S.A. 79-202a, and amendments thereto, the earned income tax credit created pursuant to K.S.A. 2018 Supp. 79-32,205, and amendments thereto, the food sales tax credit created pursuant to K.S.A. 2018 Supp. 79-32,271, and amendments thereto, the child and dependent care tax credit created pursuant to K.S.A. 2018 Supp. 79-32,111c, and amendments thereto, and the homestead property tax refund created pursuant to K.S.A. 79-4501 et seq., and amendments thereto.

(f) "Tax credit program" means any credit allowed against the tax imposed by the Kansas income tax act, the premium or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes

Annotated, and amendments thereto.

New Sec. 3. (a) The department of commerce shall collect incentive data from economic development incentive programs that provide more than \$50,000 of annual incentives from administering agencies as required by this section. Such data shall be collected from administering agencies and be stored in a database that is available to the public in a digital format. The database shall contain information from multiple years and must be searchable, printable and available to access over the internet on the department of commerce's website on a permanently accessible web page that may be accessed via a conspicuous link to that web page placed on the front page of the department's website. Information included in the database shall be updated by the department of commerce on an annual basis and such update shall be completed prior to the end of the following fiscal year in which such incentive was earned or distributed.

(b) The database required to be created by subsection (a) shall contain the following information or shall contain a link by which the user can access such information:

(1) User information for each economic development incentive program, including the:

(A) Names and addresses, including county, of recipients receiving benefits from the program and, for sales tax and revenue bonds issued under the STAR bond financing act, K.S.A. 2018 Supp. 12-17,162 et seq., and amendments thereto, the names of principals and officers for each project developer;

(B) annual amount of incentives claimed, distributed to or received by each recipient and any remaining balance of the total amount of incentives claimed or awarded to the recipient;

(C) qualification criteria for the economic development incentive program, including, if available, qualification criteria specific to the recipient. Qualification criteria shall include, but not be limited to, any requirements regarding the number of jobs created or the amount of initial or annual capital improvement;

(D) required benchmarks for continued participation in the economic development incentive program and progress made toward the benchmarks; and

(E) years for which the recipient has received benefits under the economic development incentive program;

(2) descriptive information for each economic development program, which shall include:

(A) A description and history of the program, including its inception date;

(B) the purpose or goals of the program and the criteria for qualification;

(C) applications for the program, if any, and relevant resources or contacts;

(D) the program cost and return on investment, including assumptions used to calculate the return on investment;

(E) the program compliance rate;

(F) annual reports, if required by statute; and

(G) evaluations of the program, if any; and

(3) annual data, which shall be organized by recipient, county and program and shall include the:

(A) Total amount of annual incentives from a program claimed or received by a recipient;

(B) total amount of incentives received by recipients in each county; and

C) total amount of incentives distributed by each program.
 (c) Data collected pursuant to this section must be aggregated and provided by program, recipient and county.

(d) Except as otherwise provided in this subsection, and notwithstanding any information publication requirements listed in this section, no information shall be disclosed by the secretary of commerce under this section if such disclosure would:

- (1) Violate any federal law;
- (2) violate the confidentiality provisions of any agreement executed before July 1, 2019;
- (3) in the discretion of the secretary of commerce, be detrimental to the development of a STAR bond project or jeopardize an economic development incentive program or project; or

(4) disclose the names or other personally identifying information of individuals who have made contributions or investments pursuant to the provisions of an economic development incentive program for the purpose of receiving a tax credit.

Information that is otherwise publicly available shall not be considered confidential and shall be subject to publication as provided in this section.

(e) (1) The secretary of commerce shall report in writing to the standing committee on commerce, labor and economic development of the house of representatives and the standing committee on commerce of the senate any information not disclosed by the secretary pursuant to subsection (d)(3) and the reason the information was not disclosed. Any testimony or oral presentation before the committee or discussion by the committee with respect to the report shall be considered the discussion of data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships pursuant to the provisions of K.S.A. 75-4319(b)(4), and amendments thereto, for purposes of the Kansas open meetings act, and shall be closed to the public.

(2) The report of the secretary pursuant to subsection (e)(1) shall be confidential and shall not be subject to the provisions of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this paragraph shall expire on July 1, 2024, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2024.

New Sec. 4. (a) In addition to any other reports by the secretary of commerce to the legislative post audit committee, the house committee on commerce, labor and economic development or the senate committee on commerce otherwise required by law, each year, commencing in 2020, the secretary of commerce shall make an oral presentation before the legislative post audit committee, the house committee on commerce, labor and economic development and the senate committee on commerce at mutually agreed times during the period from the commencement of the legislative session to the end of January, and shall provide a report to each such committee with respect to each economic development incentive program as defined by section 2, and amendments thereto.

(b) The report shall include the following with respect to each economic development incentive program:

- (1) A summary of the program;
- (2) an annual update;
- (3) an analysis of economic impact data utilizing direct, primary source or auditable data, to the extent such data is reasonably available, and excluding any tertiary or

indirect effects of the economic development program; and

(4) any other information or analysis specified by the committee.

Sec. 5. K.S.A. 2018 Supp. 75-5133 is hereby amended to read as follows: 75-5133.

(a) Except as otherwise more specifically provided by law, all information received by the secretary of revenue, the director of taxation or the director of alcoholic beverage control from returns, reports, license applications or registration documents made or filed under the provisions of any law imposing any sales, use or other excise tax administered by the secretary of revenue, the director of taxation, or the director of alcoholic beverage control, or from any investigation conducted under such provisions, shall be confidential, and it shall be unlawful for any officer or employee of the department of revenue to divulge any such information except in accordance with other provisions of law respecting the enforcement and collection of such tax, in accordance with proper judicial order or as provided in K.S.A. 74-2424, and amendments thereto.

(b) The secretary of revenue or the secretary's designee may:

(1) Publish statistics, so classified as to prevent identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or the attorney general's designee;

(3) provide the post auditor access to all such excise tax reports or returns in accordance with and subject to the provisions of K.S.A. 46-1106(g), and amendments thereto;

(4) disclose taxpayer information from excise tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) provide information from returns and reports filed under article 42 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, to county appraisers as is necessary to ensure proper valuations of property. Information from such returns and reports may also be exchanged with any other state agency administering and collecting conservation or other taxes and fees imposed on or measured by mineral production;

(6) provide, upon request by a city or county clerk or treasurer or finance officer of any city or county receiving distributions from a local excise tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month, and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number;

(7) provide information from returns and applications for registration filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-3601, and amendments thereto, to a city or county treasurer or clerk or finance officer to explain the basis of statistics contained in reports provided by subsection (b)(6);

(8) disclose the following oil and gas production statistics received by the department of revenue in accordance with K.S.A. 79-4216 et seq., and amendments thereto: Volumes of production by well name, well number, operator's name and identification number assigned by the state corporation commission, lease name, leasehold property description, county of production or zone of production, name of purchaser and purchaser's tax identification number assigned by the department of

revenue, name of transporter, field code number or lease code, tax period, exempt production volumes by well name or lease, or any combination of this information;

(9) release or publish liquor brand registration information provided by suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: Item number, universal numeric code, type status, product description, alcohol percentage, selling units, unit size, unit of measurement, supplier number, supplier name, distributor number and distributor name;

(10) release or publish liquor license information provided by liquor licensees, distributors, suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: County name, owner, business name, address, license type, license number, license expiration date and the process agent contact information;

(11) release or publish cigarette and tobacco license information obtained from cigarette and tobacco licensees in accordance with the Kansas cigarette and tobacco products act. The information to be released is limited to: County name, owner, business name, address, license type and license number;

(12) provide environmental surcharge or solvent fee, or both, information from returns and applications for registration filed pursuant to K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secretary of health and environment or the secretary's designee for the sole purpose of ensuring that retailers collect the environmental surcharge tax or solvent fee, or both;

(13) provide water protection fee information from returns and applications for registration filed pursuant to K.S.A. 82a-954, and amendments thereto, to the secretary of the state board of agriculture or the secretary's designee and the secretary of the Kansas water office or the secretary's designee for the sole purpose of verifying revenues deposited to the state water plan fund;

(14) provide to the secretary of commerce copies of applications for project exemption certificates sought by any taxpayer under the enterprise zone sales tax exemption pursuant to K.S.A. 79-3606(cc), and amendments thereto;

(15) disclose information received pursuant to the Kansas cigarette and tobacco act and subject to the confidentiality provisions of this act to any criminal justice agency, as defined in K.S.A. 22-4701(c), and amendments thereto, or to any law enforcement officer, as defined in K.S.A. 2018 Supp. 21-5111, and amendments thereto, on behalf of a criminal justice agency, when requested in writing in conjunction with a pending investigation;

(16) provide to retailers tax exemption information for the sole purpose of verifying the authenticity of tax exemption numbers issued by the department;

(17) provide information concerning remittance by sellers, as defined in K.S.A. 2018 Supp. 12-5363, and amendments thereto, of prepaid wireless 911 fees from returns to the local collection point administrator, as defined in K.S.A. 2018 Supp. 12-5363, and amendments thereto, for purposes of verifying seller compliance with collection and remittance of such fees;

(18) release or publish charitable gaming information obtained in charitable gaming licensee and registration applications and renewals in accordance with the Kansas charitable gaming act, K.S.A. 2018 Supp. 75-5171 et seq., and amendments thereto. The information to be released is limited to: The name, address, phone number, license registration number and email address of the organization, distributor or of premises;

and

(19) provide to the attorney general confidential information for purposes of determining compliance with or enforcing K.S.A. 50-6a01 et seq., and amendments thereto, the master settlement agreement referred to therein and all agreements regarding disputes under the master settlement agreement. The secretary and the attorney general may share the information specified under this subsection with any of the following:

(A) Federal, state or local agencies for the purposes of enforcement of corresponding laws of other states; and

(B) a court, arbitrator, data clearinghouse or similar entity for the purpose of assessing compliance with or making calculations required by the master settlement agreement or agreements regarding disputes under the master settlement agreement, and with counsel for the parties or expert witnesses in any such proceeding, if the information otherwise remains confidential; and

(20) disclose taxpayer information that is received from income tax returns to the department of commerce that may be disclosed pursuant to the provisions of section 3, and amendments thereto, for the purpose of including such information in the database required by section 3, and amendments thereto.

(c) Any person receiving any information under the provisions of subsection (b) shall be subject to the confidentiality provisions of subsection (a) and to the penalty provisions of subsection (d).

(d) Any violation of this section shall be a class A, nonperson misdemeanor, and if the offender is an officer or employee of this state, such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute any violation of this section if the offender is a city or county clerk or treasurer or finance officer of a city or county.

Sec. 6. K.S.A. 2018 Supp. 79-3234 is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

(b) Except in accordance with proper judicial order, or as provided in subsection (c) or in K.S.A. 17-7511, ~~subsection (g) of K.S.A. 46-1106(g), K.S.A. 46-1114, or K.S.A. 79-32,153a,~~ and amendments thereto, it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.

(c) The secretary or the secretary's designee may: (1) Publish statistics, so classified as to prevent the identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or other legal representatives of the state;

(3) provide the post auditor access to all income tax reports or returns in accordance with and subject to the provisions of ~~subsection (g) of K.S.A. 46-1106(g)~~ or ~~K.S.A. 46-1114~~, and amendments thereto;

(4) disclose taxpayer information from income tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) disclose to the secretary of commerce the following: (A) Specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit or economic incentive program administered by the secretary of commerce; (B) the amount of payroll withholding taxes an employer is retaining pursuant to K.S.A. 74-50,212, and amendments thereto; (C) information received from businesses completing the form required by K.S.A. 74-50,217, and amendments thereto; and (D) findings related to a compliance audit conducted by the department of revenue upon the request of the secretary of commerce pursuant to K.S.A. 74-50,215, and amendments thereto;

(6) disclose income tax returns to the state gaming agency to be used solely for the purpose of determining qualifications of licensees of and applicants for licensure in tribal gaming. Any information received by the state gaming agency shall be confidential and shall not be disclosed except to the executive director, employees of the state gaming agency and members and employees of the tribal gaming commission;

(7) disclose the taxpayer's name, last known address and residency status to the Kansas department of wildlife, parks and tourism to be used solely in its license fraud investigations;

(8) disclose the name, residence address, employer or Kansas adjusted gross income of a taxpayer who may have a duty of support in a title IV-D case to the secretary of the Kansas department for children and families for use solely in administrative or judicial proceedings to establish, modify or enforce such support obligation in a title IV-D case. In addition to any other limits on use, such use shall be allowed only where subject to a protective order which prohibits disclosure outside of the title IV-D proceeding. As used in this section, "title IV-D case" means a case being administered pursuant to part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., and amendments thereto. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e);

(9) permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either, to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any investigation made with

respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for any other purpose than that of the administration of tax laws of such state, the state of Kansas or of the United States;

(10) communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer;

(11) communicate to the executive director of the Kansas racing commission as to whether a person, partnership or corporation has failed to meet any tax obligation to the state of Kansas for the purpose of determining whether such person, partnership or corporation is eligible for a facility owner license or facility manager license pursuant to the Kansas parimutuel racing act;

(12) provide such information to the executive director of the Kansas public employees retirement system for the purpose of determining that certain individuals' reported compensation is in compliance with the Kansas public employees retirement act, K.S.A. 74-4901 et seq., and amendments thereto;

(13) ~~(A)~~ provide taxpayer information of persons suspected of violating K.S.A. 2018 Supp. 44-766, and amendments thereto, to the secretary of labor or such secretary's designee for the purpose of determining compliance by any person with the provisions of ~~subsection (i)(3)(D)~~ of K.S.A. 44-703~~(i)(3)(D)~~ and K.S.A. 2018 Supp. 44-766, and amendments thereto. The information to be provided shall include all relevant information in the possession of the department of revenue necessary for the secretary of labor to make a proper determination of compliance with the provisions of ~~subsection (i)(3)(D)~~ of K.S.A. 44-703~~(i)(3)(D)~~ and K.S.A. 2018 Supp. 44-766, and amendments thereto, and to calculate any unemployment contribution taxes due. Such information to be provided by the department of revenue shall include, but not be limited to, withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., and amendments thereto, and the results or status of such audit or investigation;

~~(B)~~ any person receiving tax information under the provisions of this paragraph shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality; and

~~(C)~~ each of the secretary of labor and the secretary of revenue may adopt rules and regulations necessary to effect the provisions of this paragraph;

(14) provide such information to the state treasurer for the sole purpose of carrying out the provisions of K.S.A. 58-3934, and amendments thereto. Such information shall be limited to current and prior addresses of taxpayers or associated persons who may have knowledge as to the location of an owner of unclaimed property. For the purposes of this paragraph, "associated persons" includes spouses or dependents listed on income tax returns; ~~and~~

(15) after receipt of information pursuant to subsection (f), forward such information and provide the following reported Kansas individual income tax information for each listed defendant, if available, to the state board of indigents' defense services in an electronic format and in the manner determined by the secretary:

(A) The defendant's name; (B) social security number; (C) Kansas adjusted gross income; (D) number of exemptions claimed; and (E) the relevant tax year of such records. Any social security number provided to the secretary and the state board of indigents' defense services pursuant to this section shall remain confidential; and

(16) disclose taxpayer information that is received from income tax returns to the department of commerce that may be disclosed pursuant to the provisions of section 3, and amendments thereto, for the purpose of including such information in the database required by section 3, and amendments thereto.

(d) Any person receiving information under the provisions of subsection (c) shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e).

(e) Any violation of subsection (b) or (c) is a class A nonperson misdemeanor and, if the offender is an officer or employee of the state, such officer or employee shall be dismissed from office.

(f) For the purpose of determining whether a defendant is financially able to employ legal counsel under the provisions of K.S.A. 22-4504, and amendments thereto, in all felony cases with appointed counsel where the defendant's social security number is accessible from the records of the district court, the court shall electronically provide the defendant's name, social security number, district court case number and county to the secretary of revenue in the manner and format agreed to by the office of judicial administration and the secretary.

(g) Nothing in this section shall be construed to allow disclosure of the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information, where such disclosure is prohibited by the federal internal revenue code as in effect on September 1, 1996, and amendments thereto, related federal internal revenue rules or regulations, or other federal law.

Sec. 7. K.S.A. 12-5245 is hereby amended to read as follows: 12-5245. (a) Upon receipt of the approval of the secretary as provided in ~~subsection (c) of K.S.A. 12-5244(c), and amendments thereto,~~ the governing body may proceed with the establishment of the district. Before doing so, the governing body shall adopt a plan for the development or redevelopment of housing and public facilities in the proposed district. Such plan may include plans for one or more projects, and the length of any individual project shall not exceed ~~15~~ 25 years. The plan shall include, but not be limited to, the following:

(1) The legal description and map required by ~~subsection (a) of K.S.A. 12-5244(a), and amendments thereto;~~

(2) the existing assessed valuation of the real estate in the proposed district, listing the land and improvement values separately;

(3) a list of the names and addresses of the owners of record of all real estate parcels within the proposed district;

(4) a description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed district, and the location thereof;

(5) a listing of the names, addresses and specific interests in real estate in the proposed district of the developers responsible for development of the housing and public facilities in the proposed district;

(6) the contractual assurances, if any, the governing body has received from such

developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed district; and

(7) a comprehensive analysis of the feasibility of providing housing tax incentives in the district, as provided in this act, ~~which that~~ shows the public benefits derived from such district will exceed the costs and that the income therefrom, together with other sources of funding, will be sufficient to pay for the public improvements that may be undertaken in such district. If other sources of public or private funds are to be used to finance the improvements, they shall be identified in the analysis.

(b) Prior to the adoption of the plan and designation of the district, the governing body shall adopt a resolution stating that the governing body is considering such action. The resolution shall provide notice that a public hearing will be held to consider the adoption of the plan and the designation of the district and contain the following elements:

(1) The date, hour and place of the public hearing;

(2) the contents of ~~paragraphs (1) through (4) in subsection (a) of this section~~ (1) through (4);

(3) a summary of the contractual assurances by the developer and comprehensive feasibility analysis; ~~and~~

(4) a statement that the plan is available for inspection at the office of the clerk of the city or county at normal business hours; and

(5) a statement inviting members of the public to review the plan and attend the public hearing on the date announced in the resolution; and

(c) The date fixed for the public hearing shall be not less than 30 nor more than 70 days following the date of the adoption of the resolution. The resolution shall be published at least once in the official newspaper of the city or county, with the final publication being not less than one week or more than two weeks preceding the date fixed for the public hearing.

(d) A certified copy of the resolution shall be delivered to the planning commission of the city or county and the board of education of any school district levying taxes on property within the proposed district. If the resolution is adopted by a city governing body, a certified copy also shall be delivered to the board of county commissioners of the county. If the resolution is adopted by a county governing body, it also shall be delivered to the governing body of any city located within three miles of such proposed district.

Sec. 8. K.S.A. 2018 Supp. 12-5248 is hereby amended to read as follows: 12-5248. (a) (1) Any city or county ~~which that~~ has established a housing incentive district as provided in this act may issue special obligation bonds to finance the implementation of the plan adopted for the district by the governing body. ~~Such~~ The special obligation bonds shall be made payable, both as to principal and interest:

(A) From property tax increments allocated to, and paid into a special fund of the city or county under the provisions of ~~subsection (b) of~~ K.S.A. 12-5250 (b), and amendments thereto;

(B) from revenues of the city or county derived from or held in connection with the implementation of the project or projects in the district;

(C) from any private sources, contributions or other financial assistance from the state or federal government;

(D) from any financial sureties or other guarantees provided by the developer;

(E) from a pledge of any other lawfully available city or county revenue sources, including, but not limited to: ~~(1)~~ (i) A portion of all increased franchise fees collected from utilities and other businesses using public rights-of-way within the district; or ~~(2)~~ (ii) a portion of the sales and use tax revenues received by the city or county and collected pursuant to K.S.A. 12-187, and amendments thereto; or

(F) by any combination of these methods.

The city or county may pledge ~~such the~~ revenue to the repayment of ~~such the~~ special obligations bonds prior to, simultaneously with, or subsequent to the issuance of ~~such the~~ special obligation bonds.

(2) Bonds issued under this subsection shall not be general obligations of the city or county, ~~not nor~~ in any event shall they give rise to a charge against the general credit or taxing powers of the city or county, or be payable out of any funds or properties other than any of those set forth in this subsection. ~~Such~~ The bonds shall ~~so~~ state such information on their face.

(3) The bonds issued under the provisions of this subsection shall be special obligations of the city or county and are declared to be negotiable instruments. The bonds shall be executed by the mayor and clerk of the city or, in the case of counties, by the chairman of the board of county commissioners and clerk of the county, and shall be sealed with the corporate seal of the city or the seal of the county. All details pertaining to the issuance of ~~such the~~ special obligation bonds shall be determined by ordinance of the city or resolution of the county. All special obligation bonds issued pursuant to this act shall be exempt from all state taxes. The special obligation bonds shall contain none of the recitals set forth in K.S.A. 10-112, and amendments thereto. The special obligation bonds shall contain the following recitals, ~~viz.:~~ The authority under which ~~such the~~ special obligation bonds are issued; that they are in conformity with the provisions, restrictions and limitations thereof; and that ~~such the~~ special obligation bonds and the interest thereon are to be paid from the money and revenue received as provided in paragraph (1) ~~of this subsection.~~

(4) The maximum maturity on bonds issued to finance projects pursuant to this act shall not exceed ~~15~~ 25 years.

(5) Any city or county issuing special obligation bonds under the provisions of this act may refund all or part of ~~such the~~ issue pursuant to the provisions of K.S.A. 10-116a, and amendments thereto.

(b) In the event the city or county shall default in the payment of any special obligation bonds as authorized pursuant to ~~paragraph (1) of~~ subsection (a) ~~(1) of this section, and amendments thereto,~~ no public funds shall be used to pay the holders thereof except as otherwise specifically authorized in this act.

(c) Any and all terms, conditions, exclusions and limitations ~~which that~~ are otherwise applicable to bonds issued by authority of K.S.A. 12-1774, and amendments thereto, shall also be applicable to bonds issued pursuant to this section.

Sec. 9. K.S.A. 12-5250 is hereby amended to read as follows: 12-5250. (a) All taxable tangible property located within a district established in accordance with this act shall be assessed and taxed for ad valorem tax purposes pursuant to law in the same manner that such property would be assessed and taxed if located outside such district, and all ad valorem taxes levied on such property shall be paid to and collected by the county treasurer in the same manner as other taxes are paid and collected. Except as otherwise provided in this section, the county treasurer shall distribute such taxes as

may be collected in the same manner as if such property were located outside the district. Each district established under the provisions of this act shall constitute a separate taxing unit for the purpose of the computation and levy of taxes.

(b) Beginning with the first payment of taxes ~~which that~~ are levied following the date of the approval of any district in accordance with this act, and amendments thereto, real property taxes received by the county treasurer resulting from taxes which are levied subject to the provisions of this act by and for the benefit of a taxing subdivision on property located within such district constituting a separate taxing unit under the provisions of this section, shall be divided as follows:

(1) From the taxes levied each year subject to the provisions of this act by or for each taxing subdivisions upon property located within a district constituting a separate taxing unit under the provisions of this act, the county treasurer first shall allocate and pay to each such taxing subdivision all of the real property taxes collected which are produced from that portion of the current assessed valuation of such real property located within such separate taxing unit which is equal to the total assessed value of such real property on the date of the establishment of the district.

(2) Any real property taxes produced from that portion of the current assessed valuation of real property within a district and constituting a separate taxing unit under the provisions of this section in excess of an amount equal to the total assessed value of such real property on the effective date of the establishment of the district shall be allocated and paid by the county treasurer to the treasurer as follows:

(A) In districts established by a city, the amount shall be paid to the treasurer of the city and deposited in a special fund of the city to pay the cost of housing projects in the district including the payment of principal of and interest on any special obligation bonds issued by such city to finance, in whole or in part, such housing project.

(B) In districts established by a county, the amount shall be deposited by the county treasurer in a special fund of the county to pay the cost of housing projects in the district including the payment of principal of and interest on any special obligation bonds issued by such county to finance, in whole or in part, such housing project. If such special obligation bonds and interest thereon have been paid before the completion of a project, the city or county may continue to use such moneys for any purpose authorized by this act until such time as the project is completed, but for not to exceed ~~15~~ 25 years from the date of the establishment of the district. When such special obligation bonds and interest thereon have been paid and the project is completed, all moneys thereafter received from real property taxes within such district shall be allocated and paid to the respective taxing subdivisions in the same manner as are other ad valorem taxes.

(c) Notwithstanding any other provision of law, it is hereby stated that is an object of all ad valorem taxes levied by or for the benefit of any taxing subdivision on taxable tangible real property located within any district created pursuant to this act, that such taxes may be applied and allocated to and when collected paid into a special fund of a city or county pursuant to the procedures and limitations of this act to pay the cost of a project including principal of and interest on special obligation bonds issued by such city or county to finance, in whole or in part, such project.

Sec. 10. K.S.A. 12-5245 and 12-5250 and K.S.A. 2018 Supp. 12-5248, 75-5133 and 79-3234 and hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, by striking all in line 1 through 3 and inserting:

"AN ACT concerning economic development; relating to economic development incentive program evaluations; disclosure of economic development incentive program data; economic development incentive financing to address rural housing shortages; amending K.S.A. 12-5245 and 12-5250 and K.S.A. 2018 Supp. 12-5248, 75-5133 and 79-3234 and repealing the exiting sections.";

And your committee on conference recommends the adoption of this report.

JULIE LYNN
 MARY PILCHER-COOK
 TOM HOLLAND
Conferees on part of Senate

JOHN BARKER
 FRANCIS AWERKAMP
 JERRY STOGSDILL
Conferees on part of House

Senator Lynn moved the Senate adopt the Conference Committee Report on **HB 2223**.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 0; Absent or Not Voting 3.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Braun, Denning, Doll, Faust-Goudeau, Francisco, Givens, Goddard, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kerschen, Longbine, Lynn, Masterson, McGinn, Miller, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rucker, Skubal, Suellentrop, Sykes, Taylor, Tyson, Wagle, Ware.

Absent or Not Voting: Estes, Haley, Wilborn.

The Conference Committee Report was adopted.

ORIGINAL MOTION

Senator Hensley rose to submit the following:

Pursuant to Senate Rule 11, I move to withdraw **House Bill No. 2066** from the Committee on Public Health and Welfare and the bill be placed on the calendar under the order of business General Orders.

House Bill No. 2066 establishes the KanCare bridge to a healthy Kansas program.

The purpose of this motion is to allow for debate and vote on Medicaid expansion on the floor of the Kansas Senate in this legislative session. This motion is made on behalf of the thousands of Kansans who have contacted their Senator directly to express their desire for the Kansas Senate to debate this important issue during the 2019 Session of the Kansas Legislature.

The reasons for this motion include several facts beyond dispute: 36 states and the District of Columbia have had this debate and chosen to expand Medicaid.

Kansas has forgone more than \$3 billion that would have come to our state had we expanded Medicaid in 2014. The Kansas Hospital Association estimates for each day of delay on Medicaid expansion, the state loses slightly more than \$2 million.

Kansas Hospitals annually register more than one billion dollars in uncompensated care.

Medicaid expansion would provide improved healthcare access to 130,000 Kansans.

This debate will build on the deliberative work the legislature has already done over the past five years. There have been legislative hearings, round table discussions, local and regional stakeholder meetings – all with the purpose of engaging legislators, citizens and experts to explore the benefits and risks of expanding Medicaid. The action requested for in this motion is not arbitrary, but rather is the culmination of years of work.

The Kansas House of Representatives responded to their constituents by conducting a vigorous debate and passing **House Bill No. 2066** on March 21, 2019. The time has come for the Kansas Senate to debate Medicaid expansion on the floor and vote on the issue prior to adjournment of the 2019 Session.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. **SCR 1612**—

By Senators Wagle, Denning and Hensley

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period during the 2019 regular session of the legislature.

Be it resolved by the Senate of the State of Kansas and the House of Representatives concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on April 5, 2019, and shall reconvene on May 1, 2019, pursuant to adjournment of the daily session convened on April 5, 2019; and

Be it further resolved: That the secretary of the senate and the chief clerk of the house of representatives and employees specified by the director of legislative administrative services for such purpose shall attend to their duties each day during such period of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a(a) and (b), and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

On emergency motion of Senator Denning, **SCR 1612** was adopted by voice vote.

REPORT ON ENROLLED BILLS

SR 1736, **SR 1737**, **SR 1738** reported correctly enrolled and properly signed and presented to the Secretary of the Senate on April 05, 2019.

Sub SB 130 reported correctly enrolled, properly signed and presented to the

Governor on April 05, 2019.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Wednesday, May 1, 2019.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*

