



January 23rd, 2024

Testimony in Opposition to House Bill 2446 Senate Federal & State Affairs Committee

Chairman Thompson and Members of the Senate Federal & State Affairs Committee:

The Northeast Johnson County cities of Merriam, Mission, Prairie Village, Roeland Park, and Westwood Hills oppose HB 2446. We appreciate the opportunity to provide testimony in opposition to HB 2446, which we believe directly challenges our cities' home rule authority and removes our citizens' options.

This bill would preempt cities from prohibiting or limiting particular products without regard for locally elected officials' responsibility to consider the will of their constituents either in support of or opposition to an issue that may be of local significance. HB 2446 asserts a state-level public interest that does not exist, except perhaps for some specific industrial or commercial interest, that may not represent individual cities' needs and interests. HB 2446 removes from our elected officials and from our citizens the right to gather and share information, receive public input, and come to a conclusion, or not, regarding what is best for our cities.

Our opposition to HB 2446 asserts no position on whether a particular product is worthy of regulation, restrictions, limitations, or outright banning, because our governing bodies have not taken a position on this policy question. Frankly, the Legislature has not expended time, energy, and attention on whether there are economic, social, health, or cultural benefits to limiting particular products. In the absence of the Legislature and the State making a policy choice, and preempting local government from making any reasoned evaluation, HB 2446 removes your authority and our authority. There are, perhaps, reasoned state-level policy and law, or flexible and community-based policy solutions, that may balance all the needs. We suggest a thoughtful process that rejects HB 2446 and begins the process of looking at the issues.

We request the committee oppose HB 2446 in the interest of preserving the rights of our citizens and business community to have a discussion and possibly reach a conclusion. HB 2446 takes all discussion and options off the table; that's not a good policymaker position to be in, whether for local or state level elected officials. Thank you for your consideration and we welcome any questions or further discussion you may have on this matter.

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