



KANSAS
ASSOCIATION OF
COUNTIES

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Senate Judiciary Committee
March 7, 2022
SB 541

Kansas Association of Counties
Opponent Testimony

Chairwoman Warren and members of the Committee:

SB 541 contemplates multiple changes to public health laws in Kansas. For the purposes of this testimony, I will focus only on the sections that impact county operations directly.

Sections 7 and 8 of SB 541 state that only boards of education and governing bodies of community colleges can take action regarding infectious or contagious diseases. Boards of education may not have anyone with infectious disease training. Similarly, the governing body of a community or technical college may not possess that expertise. County health officers are required to have that training. Preventing the spread of infectious or contagious diseases is a matter of safety for everyone—both medically vulnerable individuals, as well as others in the community.

In several sections of the bill, restrictions are limited to thirty days, at which time further action should be taken to renew, modify, rescind or allow the restrictions to expire. We do not know what future infectious diseases may look like, how they may spread, how long the incubation period may be, or what portions of the population may be placed at higher risk. Limiting restrictions in the future could expose Kansans to risks that we cannot currently contemplate.

The additions to Section 13 are concerning, as this new language appears to prevent schools and child care facilities from denying access to individuals that are still in an isolation or quarantine period. Preventing spread of infectious diseases is critical to minimizing harm.

This bill would award attorneys fees and court costs to any prevailing plaintiff that opposes restrictions adopted by a local government. KAC would note that, to date, no plaintiff has prevailed under the provisions of 2021 SB 40.

While COVID-19 is on our minds now, the changes made by SB 541 will be with us well into the future. Permanently removing tools from the toolbox could result in tragic results. KAC would urge caution when considering these types of long term policies, and would therefore ask that the committee not advance SB 541. Thank you for your time and consideration.

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