

SENATE BILL No. 541

By Committee on Federal and State Affairs

3-1

Proposed Amendments to
Senate Bill No. 541
Face Masks
Senate Committee on Judiciary
Prepared by: Jason Thompson
Office of Revisor of Statutes

1 AN ACT concerning public health; requiring compensation for the use,
2 restriction on use, damage, loss or destruction of property as a result of
3 certain governmental actions; providing that orders and similar actions
4 by public officials relating to ~~face mask mandates~~, gathering
5 limitations, business restrictions and religious gathering limitations
6 shall not exceed 30 days in duration at a time before being renewed or
7 allowed to expire; requiring court petitions challenging such orders and
8 actions to be ruled on without unreasonable delay; prohibiting school
9 officials from issuing or requiring use of a COVID-19 vaccination
10 passport or discriminating against a student based upon COVID-19
11 vaccination status; requiring schools to recognize exemptions from
12 vaccination requirements ~~and face mask mandates~~; modifying judicial
13 review provisions related to certain executive orders issued during a
14 state of disaster emergency and certain actions taken by a local unit of
15 government during a state of local disaster emergency; prescribing
16 powers, duties and functions of the board of education of each school
17 district, the governing body of each community college and the
18 governing body of each technical college related to contagious or
19 infectious disease and modifying judicial review provisions related
20 thereto; removing the sunset provision in the COVID-19 contact
21 tracing privacy act; prohibiting schools and child care facilities from
22 denying access to facilities unless there are reasonable grounds to
23 believe that the person is actually infected with a disease suspected of
24 being infectious or contagious; authorizing reimbursement of property
25 taxes levied upon businesses shut down or restricted as a result of
26 certain governmental actions related to contagious or infectious
27 disease; amending K.S.A. 65-119, 65-122 and 72-6262 and K.S.A.
28 2021 Supp. 48-925, 48-925c, 48-925d, 48-932, 48-961, 65-101, 65-201
29 and 79-1614 and repealing the existing sections.
30

prohibiting a governmental entity or public official from
ordering or otherwise requiring a person to wear a face mask as
a response to a contagious or infectious disease;

Strike in line 4

Strike in line 12

, 65-202

31 *Be it enacted by the Legislature of the State of Kansas:*
32 New Section 1. (a) Each person within this state shall act and manage
33 the affairs of such person and such person's property in any way that
34 reasonably will assist and not detract from the ability of the state and the
35 public successfully to prevent and respond to contagious or infectious
36 disease. This obligation includes appropriate personal service and

1 appropriate use of property in response to a governmental action. This
2 section neither increases nor decreases these obligations but recognizes
3 their existence under the constitution and statutes and the common law of
4 this state. Compensation for services or for the taking, use or restriction on
5 use of property shall be only to the extent that obligations recognized in
6 this subsection are exceeded in a particular case and only to the extent that
7 the claimant may not be deemed to have volunteered services or property
8 without compensation.

9 (b) No personal services may be compensated by the state or any
10 subdivision or agency thereof under this section except pursuant to statute
11 enacted or ordinance duly adopted therefor.

12 (c) Compensation for property shall be provided only if the property
13 was commandeered, restricted for use or otherwise used pursuant to a
14 governmental action and the destruction, use or restriction on use of such
15 property was ordered by a public official pursuant to such governmental
16 action.

17 (d) Any person claiming compensation for the use, restriction on use,
18 damage, loss or destruction of property under this section as a result of a
19 governmental action shall file a claim therefor in the district court in the
20 same manner as any other civil action. The court shall determine the
21 validity of such claim in the same manner and under the same procedures
22 prescribed for condemnation actions pursuant to K.S.A. 26-501 et seq.,
23 and amendments thereto. Unless the amount of compensation on account
24 of property damaged, lost or destroyed is agreed upon by the claimant and
25 the governmental entity, the amount of compensation shall be calculated in
26 the same manner as compensation due for a taking of property pursuant to
27 the condemnation law of this state.

28 (e) Any award of compensation for the commandeering, use or
29 restriction on use of the property by the governmental entity shall:

30 (1) Be paid by the governmental entity ordering the commandeering,
31 use or restriction on use of the property at issue;

32 (2) be limited to the actual cost of such use or restriction on use as
33 determined by the board of appraisers; and

34 (3) not include loss of present or future profits, opportunity cost or
35 other extraordinary damages.

36 (f) As used in this section:

37 (1) "Governmental action" means an order, resolution or ordinance
38 related to a contagious or infectious disease issued or adopted by the state,
39 county, city or other political subdivision of the state, including, but not
40 limited to, an order, resolution or ordinance issued or adopted pursuant to a
41 declared state of disaster emergency under K.S.A. 48-924, and
42 amendments thereto, or a declared state of local disaster emergency under
43 K.S.A. 48-932, and amendments thereto, that ~~mandates the wearing of face~~

Strike in line 43

1 ~~masks~~, limits the size of gatherings of individuals, restricts the operation of
2 business, controls the movement of persons or limits religious gatherings;

3 (2) "private property" means the same as defined in K.S.A. 77-703,
4 and amendments thereto, and any other personal or business property used
5 or restricted for use by a governmental entity pursuant to a governmental
6 action;

7 (3) "restriction on use" or "restricted for use" means:

8 (A) Any taking as defined in K.S.A. 77-703, and amendments
9 thereto;

10 (B) any restriction, limitation on access to or operation of private
11 property;

12 (C) exertion of control over any private property for any amount of
13 time pursuant to a governmental action; or

14 (D) substantially burdening the operation of any religious, civic,
15 business or commercial entity, whether for-profit or not-for-profit.

16 (g) This section shall only apply to a governmental action taken on or
17 after the effective date of this act.

18 New Sec. 2. (a) (1) If a city adopts an ordinance or takes any action
19 related to a contagious or infectious disease, including, but not limited to,
20 an order, resolution or ordinance issued or adopted pursuant to a declared
21 state of disaster emergency under K.S.A. 48-924, and amendments thereto,
22 or a declared state of local disaster emergency under K.S.A. 48-932, and
23 amendments thereto, that ~~mandates the wearing of face masks~~, limits the
24 size of gatherings of individuals, restricts the operation of business,
25 controls the movement of persons or limits religious gatherings, such
26 ordinance or action shall not exceed 30 days in duration at a time before
27 such ordinance or action shall be renewed, modified, rescinded or allowed
28 to expire.

29 (2) For purposes of this section, "restricts the operation of business"
30 includes, but is not limited to, any occupancy limitation, limitation on
31 periods of operation or the exertion by any governmental entity of other
32 significant control on business resources, property or functionality.

33 (b) (1) Any party aggrieved by an ordinance adopted or an action
34 taken pursuant to subsection (a) may file a civil action in the district court
35 of the county in which the city is located within 30 days after such
36 ordinance is adopted or such action is taken. Notwithstanding any order
37 issued pursuant to K.S.A. 2021 Supp. 20-172(a), and amendments thereto,
38 the court shall conduct a hearing within 72 hours after receipt of a petition
39 in any such action. The court shall grant the request for relief unless the
40 court finds such order is narrowly tailored to the purpose stated in the
41 order and uses the least restrictive means to achieve such purpose. The
42 court shall issue an order on such petition without unreasonable delay after
43 the hearing is conducted.

Strike in line 1

Strike in line 23

1 (2) Relief under this section shall not include a stay or injunction
2 concerning the contested action that applies beyond the county in which
3 the action was taken.

4 (3) In an action under this section, the court shall award a prevailing
5 plaintiff the cost of the suit, including reasonable attorney fees.

6 (4) The supreme court may adopt emergency rules of procedure to
7 facilitate the efficient adjudication of any hearing requested under this
8 subsection, including, but not limited to, rules for consolidation of similar
9 hearings.

10 New Sec. 3. (a) Notwithstanding any provision of law to the contrary,
11 postsecondary educational institutions, as defined in K.S.A. 74-3201b, and
12 amendments thereto, the state board of education, local boards of
13 education, schools or school officials shall not:

14 (1) Issue a COVID-19 vaccination passport to any individual without
15 such individual's consent;

16 (2) require an individual to use a COVID-19 vaccination passport for
17 any purpose; or

18 (3) refuse access to education or a place accessible to the general
19 public or separate an individual from others based on such individual's
20 COVID-19 vaccination status.

21 (b) Violation of any provision of this section is a class A nonperson
22 misdemeanor.

23 (c) As used in this section:

24 (1) "COVID-19 vaccination passport" means a document, digital
25 record or software application indicating an individual's COVID-19
26 vaccination status;

27 (2) "COVID-19 vaccination status" means an indication of whether a
28 person has received one or more doses of a COVID-19 vaccine; and

29 (3) "COVID-19 vaccine" means an immunization, vaccination or
30 injection against disease caused by the novel coronavirus identified as
31 SARS-CoV-2 or disease caused by a variant of the virus.

32 New Sec. 4. ~~(a) If a school district or any school building or activity~~
33 ~~thereof requires some or all students, district personnel or visitors to wear~~
34 ~~a face mask covering the mouth or nose for any reason, any student,~~
35 ~~district personnel or visitor with a medical condition or religious~~
36 ~~opposition preventing the wearing of a face mask shall not be required to~~
37 ~~wear such face mask on school property or at school activities if such~~
38 ~~person presents:~~

39 ~~(1) A written statement signed by a licensed physician or parent or~~
40 ~~guardian, or signed by the person if such person is 18 years of age or older,~~
41 ~~stating the physical condition of the person to be such that wearing a face~~
42 ~~mask would seriously endanger the life or health of the person; or~~

43 ~~(2) a written statement signed by one parent or guardian, or signed by~~

Strike in lines 32-43

1 the person if such person is 18 years of age or older, that wearing a face
2 mask would violate sincerely held religious beliefs of the person. The
3 person shall be granted an exemption requested in accordance with this
4 paragraph based on sincerely held religious beliefs without inquiring into
5 the sincerity of the request.

6 (b) On or before May 15 of each school year, the school board of
7 every school affected by this section shall notify all district personnel and
8 the parents or guardians of all known students who are enrolled or who
9 will be enrolling in the school of the provisions of this section and any
10 policy regarding the implementation of the provisions of this section
11 adopted by the school board.

12 (c) If a student transfers from one school to another, the school from
13 which the student transfers shall forward with the student's transcript the
14 certification or statement described in subsection (a) to the school to which
15 the student transfers.

16 (d) No student, district personnel or visitor who has presented a
17 certification or other documentation pursuant to subsection (a) shall be:

18 (1) Denied enrollment or full, in-person participation in any school
19 activity because of such action; or

20 (2) Segregated or separated from other individuals because of such
21 action.

22 (e) As used in this section:

23 (1) "Religious beliefs" includes, but is not limited to, theistic and
24 non-theistic moral and ethical beliefs as to what is right and wrong that are
25 sincerely held with the strength of traditional religious views; and

26 (2) all other terms mean the same as defined in K.S.A. 72-6261, and
27 amendments thereto.

28 New Sec. 5. The provisions of this act are severable. If any portion of
29 the act is declared unconstitutional or invalid, or the application of any
30 portion of the act to any person or circumstance is held unconstitutional or
31 invalid, the invalidity shall not affect other portions of the act that can be
32 given effect without the invalid portion or application, and the
33 applicability of such other portions of the act to any person or
34 circumstance shall remain valid and enforceable.

35 Sec. 6. K.S.A. 2021 Supp. 48-925 is hereby amended to read as
36 follows: 48-925. (a) During any state of disaster emergency declared under
37 K.S.A. 48-924, and amendments thereto, the governor shall be
38 commander-in-chief of the organized and unorganized militia and of all
39 other forces available for emergency duty. To the greatest extent
40 practicable, the governor shall delegate or assign command authority by
41 prior arrangement, embodied in appropriate executive orders or in rules
42 and regulations of the adjutant general, but nothing shall restrict the
43 authority of the governor to do so by executive orders issued at the time of

(a) Notwithstanding any provision of law to the contrary, a governmental entity or public official shall not order or otherwise require a person to wear a face mask as a response to a contagious or infectious disease.
(b) A governmental entity or public official may recommend that a person wear a face mask as a response to a contagious or infectious disease.

1 a disaster.

2 (b) Under the provisions of this act and for the implementation of this
3 act, the governor may issue executive orders to exercise the powers
4 conferred by subsection (c) that have the force and effect of law during the
5 period of a state of disaster emergency declared under K.S.A. 48-924(b),
6 and amendments thereto, or as provided in K.S.A. 2021 Supp. 48-924b,
7 and amendments thereto. The chairperson of the legislative coordinating
8 council shall call a meeting of the council to occur within 24 hours of the
9 issuance of an executive order issued pursuant to this section for the
10 purposes of reviewing such order. Such executive orders shall be null and
11 void after the period of a state of disaster emergency has ended. Such
12 executive orders may be revoked at any time by concurrent resolution of
13 the legislature or, when the legislature is not in session or is adjourned
14 during session for three or more days, such orders may be revoked by the
15 legislative coordinating council with the affirmative vote of five members
16 thereof.

17 (c) Except as provided in K.S.A. 2021 Supp. 48-924b, and
18 amendments thereto, during a state of disaster emergency declared under
19 K.S.A. 48-924, and amendments thereto, in addition to any other powers
20 conferred upon the governor by law and subject to the provisions of
21 subsections (d) and (e), the governor may:

22 (1) Suspend the provisions of any regulatory statute prescribing the
23 procedures for conduct of state business, or the orders or rules and
24 regulations of any state agency which implements such statute, if strict
25 compliance with the provisions of such statute, order or rule and regulation
26 would prevent, hinder or delay in any way necessary action in coping with
27 the disaster;

28 (2) utilize all available resources of the state government and of each
29 political subdivision as reasonably necessary to cope with the disaster;

30 (3) transfer the supervision, personnel or functions of state
31 departments and agencies or units thereof for the purpose of performing or
32 facilitating emergency management activities;

33 (4) subject to any applicable requirements for compensation under
34 K.S.A. 48-933, and amendments thereto, commandeer or utilize any
35 private property if the governor finds such action necessary to cope with
36 the disaster;

37 (5) direct and compel the evacuation of all or part of the population
38 from any area of the state stricken or threatened by a disaster, if the
39 governor deems this action necessary for the preservation of life or other
40 disaster mitigation, response or recovery;

41 (6) prescribe routes, modes of transportation and destinations in
42 connection with such evacuation;

43 (7) control ingress and egress of persons and animals to and from a

1 disaster area, the movement of persons and animals within the area and the
2 occupancy by persons and animals of premises therein;

3 (8) suspend or limit the sale, dispensing or transportation of alcoholic
4 beverages, explosives and combustibles;

5 (9) make provision for the availability and use of temporary
6 emergency housing;

7 (10) require and direct the cooperation and assistance of state and
8 local governmental agencies and officials; and

9 (11) perform and exercise such other functions, powers and duties in
10 conformity with the constitution and the bill of rights of the state of
11 Kansas and with the statutes of the state of Kansas, except any regulatory
12 statute specifically suspended under the authority of subsection (c)(1), as
13 are necessary to promote and secure the safety and protection of the
14 civilian population.

15 (d) The governor shall not have the power or authority to limit or
16 otherwise restrict the sale, purchase, transfer, ownership, storage, carrying
17 or transporting of firearms or ammunition, or any component or
18 combination thereof, including any components or combination thereof
19 used in the manufacture of firearms or ammunition, or seize or authorize
20 the seizure of any firearms or ammunition, or any component or
21 combination thereto, except as otherwise permitted by state or federal law
22 pursuant to subsection (c)(8) or any other executive authority.

23 (e) The governor shall not have the power under the provisions of the
24 Kansas emergency management act or ~~the provisions of any other law to~~
25 alter or modify any provisions of the election laws of the state including,
26 but not limited to, the method by which elections are conducted or the
27 timing of such elections.

28 (f) The governor shall exercise the powers conferred by subsection
29 (c) by issuance of executive orders under subsection (b). Each executive
30 order issued pursuant to the authority granted by subsection (b) shall
31 specify the provision or provisions of subsection (c) by specific reference
32 to each paragraph of subsection (c) that confers the power under which the
33 executive order was issued. The adjutant general, subject to the direction
34 of the governor, shall administer such executive orders.

35 (g) (1) Any party aggrieved by an executive order issued pursuant to
36 this section that has the effect of substantially burdening or inhibiting the
37 gathering or movement of individuals or the operation of any religious,
38 civic, business or commercial activity, whether for-profit or not-for-profit,
39 may file a civil action in the district court of the county in which such
40 party resides or in the district court of Shawnee county, Kansas, within 30
41 days after the issuance of such executive order. Notwithstanding any order
42 issued pursuant to K.S.A. 2021 Supp. 20-172(a), and amendments thereto,
43 the court shall conduct a hearing within 72 hours after receipt of a petition

Strike in line 24

:
(1)

; or
(2) order or otherwise require a person to wear a face mask as
a response to a contagious or infectious disease

1 in any such action. The court shall grant the request for relief unless the
2 court finds such executive order is narrowly tailored to respond to the state
3 of disaster emergency and uses the least restrictive means to achieve such
4 purpose. The court shall issue an order on such petition ~~within seven days~~
5 *without unreasonable delay* after the hearing is conducted. ~~If the court~~
6 ~~does not issue an order on such petition within seven days, the relief~~
7 ~~requested in the petition shall be granted.~~

8 (2) Relief under this section shall not include a stay or injunction
9 concerning the contested executive order that applies beyond the county in
10 which the petition was filed.

11 (3) *In an action under this section, the court shall award a prevailing*
12 *plaintiff the cost of the suit, including reasonable attorney fees.*

13 (4) The supreme court may adopt emergency rules of procedure to
14 facilitate the efficient adjudication of any hearing requested under this
15 subsection, including, but not limited to, rules for consolidation of similar
16 hearings.

17 (h) (1) The board of county commissioners of any county may issue
18 an order relating to public health that includes provisions that are less
19 stringent than the provisions of an executive order effective statewide
20 issued by the governor. Any board of county commissioners issuing such
21 an order must make the following findings and include such findings in the
22 order:

23 (A) The board has consulted with the local health officer or other
24 local health officials regarding the governor's executive order;

25 (B) following such consultation, implementation of the full scope of
26 the provisions in the governor's executive order are not necessary to
27 protect the public health and safety of the county; and

28 (C) all other relevant findings to support the board's decision.

29 (2) If the board of county commissioners of a county issues an order
30 pursuant to paragraph (1), such order shall operate in the county in lieu of
31 the governor's executive order.

32 Sec. 7. K.S.A. 2021 Supp. 48-925c is hereby amended to read as
33 follows: 48-925c. (a) (1) ~~During the state of disaster emergency related to~~
34 ~~the COVID-19 health emergency described in K.S.A. 2021 Supp. 48-924b,~~
35 ~~and amendments thereto, Only the board of education responsible for the~~
36 ~~maintenance, development and operation of a school district shall have the~~
37 ~~authority to take any action, issue any order or adopt any policy made or~~
38 ~~taken in response to such disaster emergency a contagious or infectious~~
39 ~~disease that affects the operation of any school or attendance center of~~
40 ~~such school district, including, but not limited to, any action, order or~~
41 ~~policy that:~~

42 (A) Closes or has the effect of closing any school or attendance center
43 of such school district;

1 (B) authorizes or requires any form of attendance other than full-time,
2 in-person attendance at a school in the school district, including, but not
3 limited to, hybrid or remote learning; or

4 (C) mandates any action by any students or employees of a school
5 district while on school district property.

6 (2) An action taken, order issued or policy adopted by the board of
7 education of a school district pursuant to paragraph (1) shall:

8 (A) Only affect the operation of schools under the jurisdiction of the
9 board and shall not affect the operation of nonpublic schools; *and*

10 (B) *not exceed 30 days in duration at a time before such action, order*
11 *or policy shall be renewed, modified, rescinded or allowed to expire.*

12 (3) ~~During any such disaster emergency,~~ The state board of education,
13 the governor, the department of health and environment, a local health
14 officer, a city health officer or any other state or local unit of government
15 may provide guidance, consultation or other assistance to the board of
16 education of a school district but shall not take any action ~~related to such~~
17 ~~disaster emergency~~ that affects the operation of any school or attendance
18 center of such school district ~~pursuant~~ *as described in* to paragraph (1).

19 (b) Any meeting of a board of education of a school district
20 discussing an action, order or policy described in this section, including
21 any hearing by the board under subsection (c), shall be open to the public
22 in accordance with the open meetings act, K.S.A. 75-4317 et seq., and
23 amendments thereto, and may be conducted by electronic audio-visual
24 communication when necessary to secure the health and safety of the
25 public, the board and employees.

26 (c) (1) An employee, a student or the parent or guardian of a student
27 aggrieved by an action taken, order issued or policy adopted by the board
28 of education of a school district pursuant to subsection (a)(1), or an action
29 of any employee of a school district violating any such action, order or
30 policy, may request a hearing by such board of education to contest such
31 action, order or policy within 30 days after the action was taken, order was
32 issued or policy was adopted by the board of education. Any such request
33 shall not stay or enjoin such action, order or policy.

34 (2) Upon receipt of a request under paragraph (1), the board of
35 education shall conduct a hearing within 72 hours of receiving such
36 request for the purposes of reviewing, amending or revoking such action,
37 order or policy. The board shall issue a decision within seven days after the
38 hearing is conducted.

39 (3) The board of education may adopt emergency rules of procedure
40 to facilitate the efficient adjudication of any hearing requested under this
41 subsection, including, but not limited to, rules for consolidation of similar
42 hearings.

43 (d) (1) An employee, a student or the parent or guardian of a student

1 aggrieved by a decision of the board of education under subsection (c)(2)
2 may file a civil action in the district court of the county in which such
3 party resides or in the district court of Shawnee county, Kansas, within 30
4 days after such decision is issued by the board. Notwithstanding any order
5 issued pursuant to K.S.A. 2021 Supp. 20-172(a), and amendments thereto,
6 the court shall conduct a hearing within 72 hours after receipt of a petition
7 in any such action. The court shall grant the request for relief unless the
8 court finds the action taken, order issued or policy adopted by the board of
9 education is narrowly tailored to respond to the state of disaster emergency
10 and uses the least restrictive means to achieve such purpose. The court
11 shall issue an order on such petition ~~within seven days~~ *without*
12 *unreasonable delay* after the hearing is conducted. ~~If the court does not~~
13 ~~issue an order on such petition within seven days, the relief requested in~~
14 ~~the petition shall be granted.~~

15 (2) Relief under this section shall not include a stay or injunction
16 concerning the contested action taken, order issued or policy adopted by
17 the board of education that applies beyond the county in which the petition
18 was filed.

19 (3) *In an action under this section, the court shall award a prevailing*
20 *plaintiff the cost of the suit, including reasonable attorney fees.*

21 (4) The supreme court may adopt emergency rules of procedure to
22 facilitate the efficient adjudication of any hearing requested under this
23 subsection, including, but not limited to, rules for consolidation of similar
24 hearings.

25 Sec. 8. K.S.A. 2021 Supp. 48-925d is hereby amended to read as
26 follows: 48-925d. (a) (1) ~~During the state of disaster emergency related to~~
27 ~~the COVID-19 health emergency described in K.S.A. 2021 Supp. 48-924b,~~
28 ~~and amendments thereto,~~ Only the governing body of a community
29 college, as established pursuant to K.S.A. 71-201, and amendments
30 thereto, or the governing body of a technical college, as established
31 pursuant to K.S.A. 74-32,452, and amendments thereto, shall have the
32 authority to take any action, issue any order or adopt any policy made or
33 taken in response to ~~such disaster emergency~~ *a contagious or infectious*
34 *disease* that affects the operation of the community college or technical
35 college governed by such governing body, including, but not limited to,
36 any action, order or policy that:

37 (A) Closes or has the effect of closing any community college or
38 technical college;

39 (B) authorizes or requires any form of attendance at any community
40 college or technical college; or

41 (C) mandates any action by any students or employees of a
42 community college or technical college while on college property.

43 (2) ~~During any such disaster emergency,~~ *An action taken, order issued*

1 *or policy adopted by the governing body of a community college or*
2 *technical college pursuant to paragraph (1) shall not exceed 30 days in*
3 *duration at a time before such action, order or policy shall be renewed,*
4 *modified, rescinded or allowed to expire.*

5 (3) The state board of regents, the governor, the department of health
6 and environment, a local health officer, a city health officer, the Kansas
7 association of community college trustees, the Kansas technical college
8 association or any other state or local unit of government may provide
9 guidance, consultation or other assistance to the governing body of a
10 community college or technical college, but shall not take any action
11 ~~related to such disaster emergency~~ that affects the operation of any such
12 college *as described in paragraph (1).*

13 (b) Any meeting of a governing body of a community college or
14 technical college discussing an action, order or policy described in this
15 section, including any hearing by such governing body under subsection
16 (c), shall be open to the public in accordance with the open meetings act,
17 K.S.A. 75-4317 et seq., and amendments thereto, and may be conducted
18 by electronic audio-visual communication when necessary to secure the
19 health and safety of the public, the governing body and employees.

20 (c) (1) An employee or a student aggrieved by an action taken, order
21 issued or policy adopted by the governing body of a community college or
22 technical college pursuant to subsection (a)(1), or an action of any
23 employee of such college violating any such action, order or policy, may
24 request a hearing by such governing body to contest such action, order or
25 policy. Any such request shall not stay or enjoin such action, order or
26 policy.

27 (2) Upon receipt of a request under paragraph (1), the governing body
28 shall conduct a hearing within 72 hours of receiving such request for the
29 purposes of reviewing, amending or revoking such action, order or policy.
30 The governing body shall issue a decision within seven days after the
31 hearing is conducted.

32 (3) The governing body may adopt emergency rules of procedure to
33 facilitate the efficient adjudication of any hearing requested under this
34 subsection, including, but not limited to, rules for consolidation of similar
35 hearings.

36 (d) (1) An employee or a student aggrieved by a decision of the
37 governing body under subsection (c)(2) may file a civil action in the
38 district court of the county in which such party resides or in the district
39 court of Shawnee county, Kansas, within 30 days after such decision is
40 issued by the governing body. Notwithstanding any order issued pursuant
41 to K.S.A. 2021 Supp. 20-172(a), and amendments thereto, the court shall
42 conduct a hearing within 72 hours after receipt of a petition in any such
43 action. The court shall grant the request for relief unless the court finds the

1 action taken, order issued or policy adopted by the governing body is
2 narrowly tailored to respond to the state of disaster emergency and uses the
3 least restrictive means to achieve such purpose. The court shall issue an
4 order on such petition ~~within seven days~~ *without unreasonable delay* after
5 the hearing is conducted. ~~If the court does not issue an order on such~~
6 ~~petition within seven days, the relief requested in the petition shall be~~
7 ~~granted.~~

8 (2) Relief under this section shall not include a stay or injunction
9 concerning the contested action taken, order issued or policy adopted by
10 the governing body that applies beyond the county in which the petition
11 was filed.

12 (3) *In an action under this section, the court shall award a prevailing*
13 *plaintiff the cost of the suit, including reasonable attorney fees.*

14 (4) The supreme court may adopt emergency rules of procedure to
15 facilitate the efficient adjudication of any hearing requested under this
16 subsection, including, but not limited to, rules for consolidation of similar
17 hearings.

18 Sec. 9. K.S.A. 2021 Supp. 48-932 is hereby amended to read as
19 follows: 48-932. (a) A state of local disaster emergency may be declared
20 by the chairperson of the board of county commissioners of any county, or
21 by the mayor or other principal executive officer of each city of this state
22 having a disaster emergency plan, upon a finding by such officer that a
23 disaster has occurred or the threat thereof is imminent within such county
24 or city. No state of local disaster emergency shall be continued for a period
25 in excess of seven days or renewed, except with the consent of the board
26 of county commissioners of such county or the governing body of such
27 city. Any order or proclamation declaring, continuing or terminating a
28 local disaster emergency shall be given prompt and general publicity and
29 shall be filed with the county clerk or city clerk. Any such declaration may
30 be reviewed, amended or revoked by the board of county commissioners
31 or the governing body of the city, respectively, at a meeting of such
32 governing body.

33 (b) In the event of the absence of the chairperson of the board of
34 county commissioners from the county or the incapacity of such
35 chairperson, the board of county commissioners, by majority action of the
36 remaining members thereof, may declare a state of local disaster
37 emergency in the manner provided in and subject to the provisions of
38 subsection (a). In the event of the absence of the mayor or other principal
39 executive officer of a city from the city or the incapacity of such mayor or
40 officer, the governing body of the city, by majority action of the remaining
41 members thereof, may declare a state of local disaster emergency in the
42 manner provided in and subject to the provisions of subsection (a). Any
43 state of local disaster emergency and any actions taken pursuant to

1 applicable local and interjurisdictional disaster emergency plans, under
2 this subsection shall continue and have full force and effect as authorized
3 by law unless modified or terminated in the manner prescribed by law.

4 (c) The declaration of a local disaster emergency shall activate the
5 response and recovery aspects of any and all local and interjurisdictional
6 disaster emergency plans which are applicable to such county or city, and
7 shall initiate the rendering of aid and assistance thereunder.

8 (d) No interjurisdictional disaster agency or any official thereof may
9 declare a local disaster emergency, unless expressly authorized by the
10 agreement pursuant to which the agency functions. However, an
11 interjurisdictional disaster agency shall provide aid and services in
12 accordance with the agreement pursuant to which it functions in the case
13 of a state of local disaster emergency declared under subsection (a).

14 (e) (1) Any party aggrieved by an action taken by a local unit of
15 government pursuant to this section that has the effect of substantially
16 burdening or inhibiting the gathering or movement of individuals or the
17 operation of any religious, civic, business or commercial activity, whether
18 for-profit or not-for-profit, may file a civil action in the district court of the
19 county in which such action was taken within 30 days after such action is
20 taken. Notwithstanding any order issued pursuant to K.S.A. 2021 Supp.
21 20-172(a), and amendments thereto, the court shall conduct a hearing
22 within 72 hours after receipt of a petition in any such action. The court
23 shall grant the request for relief unless the court finds such action is
24 narrowly tailored to respond to the state of local disaster emergency and
25 uses the least restrictive means to achieve such purpose. The court shall
26 issue an order on such petition ~~within seven days~~ without unreasonable
27 delay after the hearing is conducted. ~~If the court does not issue an order on~~
28 ~~such petition within seven days, the relief requested in the petition shall be~~
29 ~~granted.~~

30 (2) Relief under this section shall not include a stay or injunction
31 concerning the contested action that applies beyond the county in which
32 the action was taken.

33 (3) *In an action under this section, the court shall award a prevailing*
34 *plaintiff the cost of the suit, including reasonable attorney fees.*

35 (4) The supreme court may adopt emergency rules of procedure to
36 facilitate the efficient adjudication of any hearing requested under this
37 subsection, including, but not limited to, rules for consolidation of similar
38 hearings.

39 Sec. 10. K.S.A. 2021 Supp. 48-961 is hereby amended to read as
40 follows: 48-961. (a) This section shall be known and may be cited as the
41 COVID-19 contact tracing privacy act.

42 (b) The purpose of this act is to protect the privacy of persons whose
43 information is collected through contact tracing and the confidentiality of

A governmental entity or public official shall not have the power under the provisions of the Kansas emergency management act or any other law to order or otherwise require a person to wear a face mask as a response to a contagious or infectious disease.
(f)

1 contact data.

2 (c) (1) Except as provided by paragraph (2), neither the state nor any
3 municipality, officer or official or agent thereof, may conduct or authorize
4 contact tracing.

5 (2) Whenever the secretary or a local health officer determines
6 contact tracing is necessary to perform a public health duty assigned by
7 statute to such official, the secretary or local health officer may conduct or
8 authorize contact tracing as provided by this section.

9 (d) (1) Subject to the availability of appropriations, the secretary or
10 local health officer may employ, contract for or engage contact tracers.

11 (2) Persons acting as contact tracers under authority of this subsection
12 shall meet the qualifications and training prescribed by rules and
13 regulations of the secretary adopted pursuant to subsection (j). ~~Until such~~
14 ~~rules and regulations are adopted, but no later than August 1, 2020,~~
15 ~~persons acting as contact tracers may act under the supervision of the~~
16 ~~secretary and in compliance with the other provisions of this act.~~

17 (3) (A) Before collecting any contact data, each person acting as a
18 contact tracer shall execute, under oath, on a form prescribed by rules and
19 regulations of the secretary adopted pursuant to subsection (j) an
20 acknowledgment of familiarity with this section and the duties it imposes
21 upon such person, including the duty of confidentiality.

22 (B) The state or municipal entity hiring, contracting with or engaging
23 the contact tracer shall maintain a copy of each such executed form for not
24 less than one year after such person's duties as a contact tracer end, or
25 pursuant to applicable records retention schedules, whichever is later.

26 (4) A contact tracer employed, contracted or engaged by the secretary
27 shall be deemed a state employee under the Kansas tort claims act, K.S.A.
28 75-6101 et seq., and amendments thereto. A contact tracer employed,
29 contracted or engaged by a local health officer shall be deemed an
30 employee of the county under the Kansas tort claims act, K.S.A. 75-6101
31 et seq., and amendments thereto.

32 (e) (1) A contact tracer shall not disclose the identity of an infected
33 person to a contact.

34 (2) Only contact data specifically authorized by the secretary
35 pursuant to rules and regulations of the secretary adopted pursuant to
36 subsection (j) may be collected as part of contact tracing.

37 (3) The secretary, a local health officer or a contact tracer shall not
38 produce contact data pursuant to a subpoena unless such subpoena is
39 issued by a court and is accompanied by a valid protective order
40 preventing further disclosure of such data;

41 (4) Contact data shall be:

42 (A) Used only for the purpose of contact tracing and not for any other
43 purpose;

- 1 (B) confidential and shall not be disclosed, produced in response to
2 any Kansas open records act request or made public, unless the disclosure
3 is necessary to conduct contact tracing; and
- 4 (C) safely and securely destroyed when no longer necessary for
5 contact tracing, pursuant to rules and regulations of the secretary adopted
6 pursuant to subsection (j).
- 7 (f) (1) Participation in contact tracing shall be voluntary, and no
8 contact or infected person shall be compelled to participate in, nor be
9 prohibited from participating in, contact tracing.
- 10 (2) Any contact or infected person who in good faith discloses to a
11 contact tracer information requested by such contact tracer under authority
12 of this subsection shall be immune from civil, criminal and administrative
13 liability for such disclosure.
- 14 (3) No criminal, civil or administrative liability shall arise against a
15 contact or infected person solely due to such person's failure to cooperate
16 in contact tracing conducted pursuant to this subsection.
- 17 (g) Contact tracing shall not be conducted through the use of any
18 service or means that uses cellphone location data to identify or track,
19 directly or indirectly, the movement of persons.
- 20 (h) (1) No third party shall be required to collect or maintain data
21 regarding infected persons or contacts for the purpose of contact tracing.
- 22 (2) Except as provided by paragraph (3), no contact tracer shall obtain
23 contact data related to an infected person or contact from any third party.
- 24 (3) Contact data voluntarily collected or maintained by a third party
25 may be obtained by a contact tracer only if:
- 26 (A) The third party provides such information to the contact tracer
27 voluntarily and with the consent of the infected person or contact whose
28 information is disclosed; or
- 29 (B) such information is provided pursuant to a valid warrant.
- 30 (i) (1) A person may bring a civil action to enjoin violations of this
31 section.
- 32 (2) A knowing violation of this section is a class C nonperson
33 misdemeanor.
- 34 (3) Contact data shall be deemed personal information within the
35 meaning of K.S.A. 50-6,139b(a)(3), and amendments thereto.
- 36 (4) The remedies provided by this subsection shall be in addition to
37 each other and to any other available civil or criminal remedies authorized
38 by law.
- 39 (j) The secretary shall promulgate rules and regulations to implement,
40 administer and enforce the provisions of this section ~~prior to August 1,~~
41 ~~2020.~~
- 42 (k) As used in this section, unless the context otherwise requires:
- 43 (1) "Contact" means a person known to have been in association with

1 an infected person as to have had an opportunity of acquiring an infection.

2 (2) "Contact tracing" means identifying persons who may have been
3 exposed to an infected person for the purpose of containing the spread of
4 COVID-19 by notifying the contact that the contact may have been
5 exposed, should be tested and should self-quarantine.

6 (3) "Contact tracer" means a person or entity employed, contracted or
7 engaged by the department of health and environment or by a local health
8 agency to conduct contact tracing.

9 (4) "COVID-19" means the novel coronavirus identified as SARS-
10 CoV-2.

11 (5) "Contact data" means information collected through contact
12 tracing and includes medical, epidemiological, individual movement or
13 mobility, names or other data.

14 (6) "Infected person" means a person known or reasonably suspected
15 to be infected with COVID-19.

16 (7) "Local health officer" means a person appointed by a county
17 board of health pursuant to K.S.A. 65-201, and amendments thereto.

18 (8) "Municipality" means the same as in K.S.A. 75-6102, and
19 amendments thereto.

20 (9) "Secretary" means the secretary of health and environment.

21 (10) "State" means the same as in K.S.A. 75-6102, and amendments
22 thereto.

23 ~~(1) The provisions of this section shall expire on May 1, 2021.~~
24 *Notwithstanding the prior expiration of this section on May 1, 2021, the*
25 *provisions of this section shall be in force and effect on and after the*
26 *effective date of this act.*

27 Sec. 11. K.S.A. 2021 Supp. 65-101 is hereby amended to read as
28 follows: 65-101. (a) *Except as provided in subsection (d),* the secretary of
29 health and environment shall exercise general supervision of the health of
30 the people of the state and may:

and section 4, and amendments thereto

31 (1) Where authorized by any other statute, require reports from
32 appropriate persons relating to the health of the people of the state so a
33 determination of the causes of sickness and death among the people of the
34 state may be made through the use of these reports and other records;

35 (2) investigate the causes of disease, including especially, epidemics
36 and endemics, the causes of mortality and effects of locality, employments,
37 conditions, food, water supply, habits and other circumstances affecting
38 the health of the people of this state and the causes of sickness and death;

39 (3) advise other offices and agencies of government concerning
40 location, drainage, water supply, disposal of excreta and heating and
41 ventilation of public buildings;

42 (4) make sanitary inspection and survey of such places and localities
43 as the secretary deems advisable;

1 (5) take action to prevent the introduction of infectious or contagious
 2 disease into this state and to prevent the spread of infectious or contagious
 3 disease within this state;

4 (6) provide public health outreach services to the people of the state
 5 including educational and other activities designed to increase the
 6 individual's awareness and appropriate use of public and other preventive
 7 health services.

8 (b) The secretary of health and environment may adopt rules and
 9 regulations necessary to carry out the provisions of subsection (a). In
 10 addition to other remedies provided by law, the secretary is authorized to
 11 apply to the district court, and such court shall have jurisdiction upon a
 12 hearing and for cause shown to grant a temporary or permanent injunction
 13 to compel compliance with such rules and regulations.

14 (c) In the event of a state of disaster emergency declared by the
 15 governor pursuant to K.S.A. 48-924, and amendments thereto, or a state of
 16 local disaster emergency declared pursuant to K.S.A. 48-932, and
 17 amendments thereto, the legislature may revoke an order issued by the
 18 secretary to take action related to such disaster emergency as provided in
 19 this subsection. Such order may be revoked at any time by concurrent
 20 resolution of the legislature or, when the legislature is not in session or is
 21 adjourned during session for three or more days, such order may be
 22 revoked by the legislative coordinating council with the affirmative vote of
 23 five members thereof.

24 (d) (1) *If the secretary takes any action related to a contagious or*
 25 *infectious disease that ~~mandates the wearing of face masks,~~ limits the size*
 26 *of gatherings of individuals, restricts the operation of business, controls*
 27 *the movement of persons or limits religious gatherings, such action shall:*

28 (A) *Be narrowly tailored to the purpose of the action and use the*
 29 *least restrictive means to achieve such purpose; and*

30 (B) *not exceed 30 days in duration at a time before such action shall*
 31 *be renewed, modified, rescinded or allowed to expire.*

32 (2) *For purposes of this section, "restricts the operation of business"*
 33 *includes, but is not limited to, any occupancy limitation, limitation on*
 34 *periods of operation or the exertion of other significant control on*
 35 *business resources, property or functionality.*

36 Sec. 12. K.S.A. 65-119 is hereby amended to read as follows: 65-119.

37 (a) Any county or joint board of health or local health officer having
 38 knowledge of any infectious or contagious disease, or of a death from such
 39 disease, within their jurisdiction, shall immediately exercise and maintain
 40 a supervision over such case or cases during their continuance, seeing that
 41 all such cases are properly cared for and that the provisions of this act as to
 42 isolation, restriction of communication, quarantine and disinfection are
 43 duly enforced, *except as provided in K.S.A. 65-201, and amendments*

Strike in line 25

1 *thereto*. The county or joint board of health or local health officer shall
2 communicate without delay all information as to existing conditions to the
3 secretary of health and environment. The local health officer shall confer
4 personally, if practicable, otherwise by letter, with the person in attendance
5 upon the case, as to its future management and control. The county or joint
6 board of health or local health officer is hereby empowered and authorized
7 to prohibit public gatherings when necessary for the control of any and all
8 infectious or contagious disease, *except as provided in K.S.A. 65-201, and*
9 *amendments thereto*.

10 (b) Any disclosure or communication of information relating to
11 infectious or contagious diseases required to be disclosed or
12 communicated under subsection (a) ~~of this section~~ shall be confidential
13 and shall not be disclosed or made public beyond the requirements of
14 subsection (a) ~~of this section~~ or subsection (a) of K.S.A. 65-118(a), except
15 as otherwise permitted by ~~subsection (c) of K.S.A. 65-118(c)~~.

16 Sec. 13. K.S.A. 65-122 is hereby amended to read as follows: 65-122.

17 (a) No person afflicted with an infectious or contagious disease dangerous
18 to the public health shall be admitted into any public, parochial or private
19 school or licensed child care facility. It shall be the duty of the parent or
20 guardian, and the principal or other person in charge of any public,
21 parochial, private school or licensed child care facility to exclude
22 therefrom any child or other person affected with a disease suspected of
23 being infectious or contagious until the expiration of the prescribed period
24 of isolation or quarantine for the particular infectious or contagious
25 disease. If the attending person licensed to practice medicine and surgery
26 or local health officer finds upon examination that the person affected with
27 a disease, suspected of being infectious or contagious is not suffering from
28 an infectious or contagious disease, he or she may submit a certificate to
29 this effect to the person in charge of the public, parochial, private school or
30 licensed child care facility and such person shall be readmitted to school or
31 to the child care facility.

32 (b) *No person shall be denied access to any public, parochial or*
33 *private school or licensed child care facility under this section unless*
34 *there are reasonable grounds to believe that such person is actually*
35 *infected with a disease suspected of being infectious or contagious. The*
36 *provisions of K.S.A. 72-5180, and amendments thereto, shall not apply for*
37 *the purposes of providing remote education to any student excluded from a*
38 *facility under this section.*

39 Sec. 14. K.S.A. 2021 Supp. 65-201 is hereby amended to read as
40 follows: 65-201. (a) The board of county commissioners of each county
41 shall act as the county board of health for the county. Each county board
42 shall appoint a person licensed to practice medicine and surgery,
43 preference being given to persons who have training in public health, who

1 shall serve as the local health officer and who shall act in an advisory
 2 capacity to the county board of health. The appointing authority of city-
 3 county, county or multicounty health units with less than 100,000
 4 population may appoint a qualified local health program administrator as
 5 the local health officer if a person licensed to practice medicine and
 6 surgery or person licensed to practice dentistry is designated as a
 7 consultant to direct the administrator on program and related medical and
 8 professional matters. The local health officer or local health program
 9 administrator shall hold office at the pleasure of the board.

10 (b) (1) Except as provided in paragraph (2), any order issued by the
 11 local health officer, including orders issued as a result of an executive
 12 order of the governor, may be reviewed, amended or revoked by the board
 13 of county commissioners of the county affected by such order at a meeting
 14 of the board. Any order reviewed or amended by the board shall include an
 15 expiration date set by the board and may be amended or revoked at an
 16 earlier date by a majority vote of the board.

Except as provided in section 4, and amendments thereto,

17 (2) (A) ~~If a local health officer determines it is necessary to issue an~~
 18 ~~order mandating the wearing of face masks, limiting the size of gatherings~~
 19 ~~of individuals, curtailing restricting the operation of business, controlling~~
 20 ~~the movement of the population of the county or limiting religious~~
 21 ~~gatherings, the local health officer shall propose such an order to the board~~
 22 ~~of county commissioners. At the next regularly scheduled meeting of the~~
 23 ~~board or at a special meeting of the board, the board shall review such~~
 24 ~~proposed order and may take any action related to the proposed order the~~
 25 ~~board determines is necessary. The order shall become effective if~~
 26 ~~approved by the board or, if the board is unable to meet, if approved by the~~
 27 ~~chairperson of the board or the vice chairperson of the board in the~~
 28 ~~chairperson's absence or disability. Such order shall not exceed 30 days in~~
 29 ~~duration at a time before such order shall be renewed, modified, rescinded~~
 30 ~~or allowed to expire.~~

Strike in line 18

31 (B) For purposes of this section, "restricting the operation of
 32 business" includes, but is not limited to, any occupancy limitation,
 33 limitation on periods of operation or the exertion by any governmental
 34 entity of other significant control on business resources, property or
 35 functionality.

36 (c) The board of county commissioners in any county having a
 37 population of less than 15,000 may contract with the governing body of
 38 any hospital located in such county for the purpose of authorizing such
 39 governing body of the hospital to supply services to a county board of
 40 health.

41 (d) (1) Any party aggrieved by an order issued pursuant to subsection
 42 (b)(2) may file a civil action in the district court of the county in which the
 43 order was issued within 30 days after such order is issued.

1 Notwithstanding any order issued pursuant to K.S.A. 2021 Supp. 20-
 2 172(a), and amendments thereto, the court shall conduct a hearing within
 3 72 hours after receipt of a petition in any such action. The court shall grant
 4 the request for relief unless the court finds such order is narrowly tailored
 5 to the purpose stated in the order and uses the least restrictive means to
 6 achieve such purpose. The court shall issue an order on such petition
 7 ~~within seven days without unreasonable delay~~ after the hearing is
 8 conducted. ~~If the court does not issue an order on such petition within~~
 9 ~~seven days, the relief requested in the petition shall be granted.~~

10 (2) Relief under this section shall not include a stay or injunction
 11 concerning the contested action that applies beyond the county in which
 12 the action was taken.

13 (3) *In an action under this section, the court shall award a prevailing*
 14 *plaintiff the cost of the suit, including reasonable attorney fees.*

15 (4) The supreme court may adopt emergency rules of procedure to
 16 facilitate the efficient adjudication of any hearing requested under this
 17 subsection, including, but not limited to, rules for consolidation of similar
 18 hearings.

19 ✓Sec. 15. K.S.A. 72-6262 is hereby amended to read as follows: 72-
 20 6262. (a) In each school year, every ~~pupil~~ *student* enrolling or enrolled in
 21 any school for the first time in this state, and each child enrolling or
 22 enrolled in a preschool or day care program operated by a
 23 school, and such other ~~pupils~~ *students* as may be designated by the
 24 secretary, prior to admission to and attendance at school, shall present to
 25 the appropriate school board certification from a physician or local health
 26 department that the ~~pupil~~ *student* has received such tests and inoculations
 27 as are deemed necessary by the secretary by such means as are approved
 28 by the secretary. ~~Pupils~~ *Students* who have not completed the required
 29 inoculations may enroll or remain enrolled while completing the required
 30 inoculations if a physician or local health department certifies that the
 31 ~~pupil~~ *student* has received the most recent appropriate inoculations in all
 32 required series. Failure to timely complete all required series shall be
 33 deemed non-compliance.

34 (b) As an alternative to the certification required under subsection (a),
 35 a ~~pupil~~ *student* shall present:

36 (1) An annual written statement signed by a licensed physician stating
 37 the physical condition of the child to be such that the tests or inoculations
 38 would seriously endanger the life or health of the child; or

39 (2) a written statement signed by one parent or guardian that ~~the child~~
 40 ~~is an adherent of a religious denomination whose religious teachings are~~
 41 ~~opposed to~~ such tests or inoculations *would violate sincerely held religious*
 42 *beliefs of the parent, guardian or child. The student shall be granted an*
 43 *exemption requested in accordance with this paragraph based on sincerely*

Insert Attachment A

And by renumbering sections accordingly

1 *held religious beliefs without inquiring into the sincerity of the request.*
2 (c) *As an alternative to the certification required under subsection*
3 *(a), if an inoculation or test does not have final approval by the federal*
4 *food and drug administration, the student may present:*
5 (1) *An annual written statement signed by a licensed physician or a*
6 *parent or guardian stating the physical condition of the child to be such*
7 *that the test or inoculation would seriously endanger the life or health of*
8 *the child; or*
9 (2) *a written statement signed by one parent or guardian that such*
10 *test or inoculation would violate sincerely held religious beliefs of the*
11 *parent, guardian or child. The student shall be granted an exemption*
12 *requested in accordance with this paragraph based on sincerely held*
13 *religious beliefs without inquiring into the sincerity of the request.*
14 (d) *On or before May 15 of each school year, the school board of*
15 *every school affected by this act shall notify the parents or guardians of all*
16 *known-pupils students who are enrolled or who will be enrolling in the*
17 *school of the provisions this act and any policy regarding the*
18 *implementation of the provisions of this act adopted by the school board.*
19 (d)(e) *If a-pupil student transfers from one school to another, the*
20 *school from which the-pupil student transfers shall forward with the-pupil's*
21 *student's transcript the certification or statement showing evidence of*
22 *compliance with the requirements of this act to the school to which the*
23 *pupil student transfers.*
24 (f) *No student who has presented a certification pursuant to*
25 *subsection (a) or other documentation pursuant to subsection (b) or (c)*
26 *shall be:*
27 (1) *Denied enrollment or participation in any school activity as a*
28 *result of such student's vaccination status; or*
29 (2) *segregated or separated from other students as a result of such*
30 *student's vaccination status.*
31 (g) *As used in this section, "religious beliefs" includes, but is not*
32 *limited to, theistic and non-theistic moral and ethical beliefs as to what is*
33 *right and wrong that are sincerely held with the strength of traditional*
34 *religious views.*
35 Sec. 16. K.S.A. 2021 Supp. 79-1614 is hereby amended to read as
36 follows: 79-1614. (a) (1) The owner of any building listed and assessed for
37 property taxation purposes as real property that maintains a business on the
38 property that was shut down or restricted *because of any action taken* by
39 the state, county, city or other political subdivision of the state pursuant to
40 an executive order issued by the governor pursuant to K.S.A. 48-925, and
41 amendments thereto, or any action taken by a county, city or other political
42 subdivision of the state related to a state of disaster emergency declared
43 pursuant to K.S.A. 48-924, and amendments thereto, or a state of local

1 disaster emergency declared pursuant to K.S.A. 48-932, and amendments
2 thereto, *or any action taken by a county, city or other political subdivision*
3 *of the state related to contagious or infectious disease pursuant to chapter*
4 *65 of the Kansas Statutes Annotated, and amendments thereto*, may make
5 application to the board of county commissioners of the county in which
6 such property is located for the reimbursement of the property taxes levied
7 upon such property during the shutdown or restriction.

8 (2) The county treasurer shall reimburse from the county general fund
9 any owner who makes an application or operator that joins in an
10 application that is determined to be valid for the period of time that the
11 shutdown or restriction remained in effect. For ordered shutdowns, the
12 reimbursement shall be calculated as a $\frac{1}{365}$ amount of the total ad valorem
13 real property taxes levied by the state, county and all other taxing
14 subdivisions due for the property for the year multiplied by the number of
15 calendar days the ordered shutdown was in effect. For ordered restrictions,
16 the reimbursement shall be calculated as a $\frac{1}{365}$ amount of the total ad
17 valorem real property taxes levied by the state, county and all other taxing
18 subdivisions due for the property for the year multiplied by the percentage
19 of the ordered restrictions and further multiplied by the number of calendar
20 days the ordered restriction was in effect.

21 (b) If the owner is the operator of the business on the property that
22 was shut down or restricted, the owner shall be entitled to 100% of such
23 reimbursement amount. If the owner is not the operator of such business
24 that was shut down or restricted from conducting operations:

25 (1) The owner shall disclose and attest to the identity of the operator
26 of such business on the application form;

27 (2) the owner shall be entitled to 50% of such reimbursement amount;

28 (3) the operator of such business shall be entitled to 50% of such
29 reimbursement amount if such operator joins in the owner's application;
30 and

31 (4) such operator that joins in the owner's application may elect to
32 assign such operator's share of the reimbursement amount to the owner to
33 be credited against any delinquent rent due to the owner.

34 (c) If the state, a city or other political subdivision of the state was the
35 governmental entity that shut down or restricted the business resulting in a
36 reimbursement to an owner or operator pursuant to this section, such
37 governmental entity that shut down or restricted the business shall
38 reimburse the county for the cost of such reimbursement.

39 (d) For purposes of this section, "restriction" or "restricted" means
40 any occupancy limitation, limitation on periods of operation or the
41 exertion by any governmental entity of other significant control on
42 business resources or functionality.

43 ~~(e) The provisions of this section shall be applicable on and after~~

1 ~~January 1, 2022.~~

2 Sec. 17. K.S.A. 65-119, 65-122 and 72-6262 and K.S.A. 2021 Supp.
3 48-925, 48-925c, 48-925d, 48-932, 48-961, 65-101, 65-201 ~~and 79-1614~~ , 65-202
4 are hereby repealed.

5 Sec. 18. This act shall take effect and be in force from and after its
6 publication in the Kansas register.

Sec. 15. K.S.A. 2021 Supp. 65-202 is hereby amended to read as follows: (a) (1) The local health officer in each county throughout the state, immediately after such officer's appointment, shall take the same oath of office prescribed by law for the county officers, shall give bond of \$500 conditioned for the faithful performance of the officer's duties, shall keep an accurate record of all the transactions of such office, shall turn over to the successor in office or to the county or joint board of health selecting such officer, on the expiration of such officer's term of office, all records, documents and other articles belonging to the office and shall faithfully account to the board of county commissioners and to the county and state for all moneys coming into the office. Such officer shall notify the secretary of health and environment of such officer's appointment and qualification, and provide the secretary with such officer's contact information.

(2) Such officer shall receive and distribute without delay in the county all forms from the secretary of health and environment to the rightful persons, all returns from persons licensed to practice medicine and surgery, assessors and local boards to said secretary, shall keep an accurate record of all of the transactions of such office and shall turn over all records and documents kept by such officer, the successor in office, or to the county or joint board electing such officer, on the expiration of the term of office.

(3) The local health officer shall upon the opening of the fall term of school, make a sanitary inspection of each school building and grounds, and shall make such additional inspections as are necessary to protect the public health of the students of the school.

(e)(b) (1) ~~Such~~ The local health officer shall make an investigation of each case of smallpox, diphtheria, typhoid fever, scarlet fever, acute anterior poliomyelitis (infantile paralysis), epidemic cerebro-spinal meningitis and such other acute infectious, contagious or communicable diseases as may be required, and, except as provided in section 4, and amendments thereto, shall: (A) Use all known measures to prevent the spread of any such infectious, contagious or communicable disease; and shall (B) perform such other duties as this act, the county or joint board, board of health or the secretary of health and environment may require.

(2) Any order issued by the local health officer, including orders issued as a result of an executive order of the governor, on behalf of a county regarding the remediation of any infectious, contagious or communicable disease may be reviewed, amended or revoked by the board of county commissioners of any county affected by such order in the manner provided by K.S.A. 65-201(b), and amendments thereto.

(c) Such officer shall receive compensation as set by the board and with the approval of the board of health may employ a skilled professional nurse and other additional personnel whenever deemed necessary for the protection of the public health.

(d) For any failure or neglect of the local health officer to perform any of the duties prescribed in this act, the officer may be removed from office by the county board of health. In addition to removal from office, for any failure or neglect to perform any of the duties prescribed by this act, the local health officer shall be deemed guilty of a an unclassified misdemeanor and, upon conviction, be fined not less \$10 nor more than \$100 for each and every offense.