

Substitute for SENATE BILL No. 29

AN ACT concerning public health; removing the authorization for a county or joint board of health or local health officer to prohibit public gatherings when necessary for the control of infectious or contagious diseases; amending K.S.A. 65-119 and 65-129b and K.S.A. 2024 Supp. 65-101 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2024 Supp. 65-101 is hereby amended to read as follows: 65-101. (a) The secretary of health and environment shall exercise general supervision of the health of the people of the state and may:

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

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

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

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

(5) take action to prevent the introduction of infectious or contagious disease into this state and ~~to prevent~~ the spread of infectious or contagious disease within this state. If such action is intended to exclude, isolate, quarantine or otherwise restrict movement of people within the state, then such action shall not be taken without probable cause, supported by oath or affirmation; *and*

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

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

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

(d) *Any party aggrieved by an action taken pursuant to K.S.A. 65-101 through 65-129f, and amendments thereto, may file a civil action in the district court of the county where the order was issued within 30 days after such order is issued. A request for a hearing shall not stay or enjoin an isolation or quarantine order. The court shall conduct a hearing within 72 hours after receipt of a petition in any such action. The court shall grant the request for relief unless the court finds that such order is narrowly tailored to the purpose stated in the order and uses the least restrictive means to achieve such purpose.*

Sec. 2. K.S.A. 65-119 is hereby amended to read as follows: 65-119. (a) Any county or joint board of health or local health officer having knowledge of any infectious or contagious disease, or of a death from such disease, within their jurisdiction, shall immediately exercise and maintain a supervision over such case or cases during their continuance, seeing that all such cases are properly cared for and that the provisions of this act—~~as pertaining to isolation, restriction of communication, quarantine and disinfection~~ are duly enforced. The county or joint board of health or local health officer shall communicate without delay all information—~~as pertaining to existing conditions to the secretary of health and environment. The local health officer shall confer personally, if practicable, otherwise by letter, with the person in attendance upon the case, as to its future management and control.~~ The county or joint board of health or local health officer—~~is hereby empowered and authorized to prohibit~~ *may recommend against* public gatherings when necessary for the control of any and all infectious or contagious disease.

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

Sec. 3. K.S.A. 65-129b is hereby amended to read as follows: 65-129b. (a) Notwithstanding the provisions of K.S.A. 65-119, 65-122, 65-123, 65-126 and 65-128, and amendments thereto, and any rules or regulations adopted thereunder, in investigating actual or potential exposures to an infectious or contagious disease that is potentially life-threatening, the local health officer or the secretary:

(1)—~~(A)~~ May issue an order requiring an individual who the local health officer or the secretary has reason to believe has been exposed to an infectious or contagious disease to seek appropriate and necessary evaluation and treatment;

~~(B)~~(2) when the local health officer or the secretary determines that it is medically necessary and reasonable to prevent or reduce the spread of the disease or outbreak believed to have been caused by the exposure to an infectious or contagious disease, may order an individual or group of individuals to go to and remain in places of isolation or quarantine until the local health officer or the secretary determines that—~~the~~ *such* individual no longer poses a substantial risk of transmitting the disease or condition to the public;

~~(C)~~(3) if a competent individual of 18 years of age or older or an emancipated minor refuses vaccination, medical examination, treatment or testing under this section, may require—~~the~~ *an* individual to go to and remain in a place of isolation or quarantine until the local health officer or the secretary determines that—~~the~~ *such* individual no longer poses a substantial risk of transmitting the disease or condition to the public; and

~~(D)~~(4) if, on behalf of a minor child or ward, a parent or guardian refuses vaccination, medical examination, treatment or testing under this section, may require—~~the~~ *a* minor child or ward to go to and remain in a place of isolation or quarantine and—~~must~~ *shall* allow the parent or guardian to accompany—~~the~~ *such* minor child or ward until the local health officer or the secretary determines that—~~the~~ *such* minor child or ward no longer poses a substantial risk of transmitting the disease or condition to the public; and

(2)—~~may order any sheriff, deputy sheriff or other law enforcement officer of the state or any subdivision to assist in the execution or~~

~~enforcement of any order issued under this section.~~

Sec. 4. K.S.A. 65-119 and 65-129b and K.S.A. 2024 Supp. 65-101 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE
as amended _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.