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Testimony to the Senate Judiciary Committee
Emergency Management Act
June 3, 2020

Chairman Wilborn and Committee Members:

Our associations continue to be concerned not only with minimizing exposure of our officers to the COVID-19 virus, but also with limiting the exposure of those our officers contact.

There are two key actions we are seeking to address these concerns in the narrow theme of the Emergency Management Act and the COVID-19 response. We encourage you to include both provisions in the bill you pass out of committee.

1. The provision contained in section 15 of HB2054 and section 18 of the proposed bill relating to information available to first responders through 911 centers providing insight into locations of pending responses where a person is quarantined for infectious disease (COVID-19).
2. An action not currently in the proposed bill to include the provisions of SB491 passed by the Senate 39-0 regarding court ordered testing for infectious disease of a person proclaiming or suspected to have exposed first responders to an infectious disease.

Regarding item #1 above, we have great concern with the reluctance of health officials in some counties to share location data of people who are quarantined or in isolation due to COVID exposure, or worse yet positive test results. There is clear guidance from federal authorities that sharing of that information is not a HIPAA violation. However, many local jurisdictions refuse to allow access to that information that could alert first responders to take extra steps to reduce exposure. Some jurisdictions have allowed this access while others do not. We believe statutory authority or direction to share that information with 911 centers who can relay that information to first responders when appropriate is necessary. A statute addressing this would provide the assurance to those holding the information they can do so. Of course, there should also be restrictions to the release of that information beyond its intended purpose. We propose language that would direct local and state health agencies to establish a mechanism for sharing location information with first responders of persons found to be quarantined or confirmed to test positive for an infectious disease designated in an Emergency Proclamation. We encourage you to retain this in the bill as you pass it out of committee.

Regarding item #2 above, we are asking you to include the contents of SB491 as it passed the Senate 39-0, with one change to include addressing the COVID-19 concerns. This provision amends current law allowing requests for court ordered infectious disease testing of a person proclaiming or suspected to have exposed first responders to an infectious disease, fixing the problem in current

statute limitations of covering only HIV and Hepatitis B exposure. Supporting testimony was provided in the Senate Public Health and Welfare Committee when the contents were in SB320 by our associations, KDHE, and other first responder associations. There was no opposition testimony. **The change we propose is in the definition of “infectious disease” found on page 2 line 10 of SB491 by retaining the amendment passed in the bill, and adding to the end of the paragraph: “or any infectious disease identified in a disaster proclamation issued under KSA 48-924 or KSA 65-932, or in a local health officer order issued under KSA 65-119.”** This provision is very important to identifying an actual exposure to infectious disease from that of a mere threat of exposure conveyed to the first responder. It will allow the courts to order testing when justified and when a test is positive provide a more expedient path to treatment for the exposed first responder. We believe this amendment fulfills the single subject requirement since the amended language targets the COVID-19 infectious disease as well as any other infectious disease that results in a disaster proclamation in the future.

We respectfully request your full consideration to the above concerns. Thank you for your consideration.

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