

**HOUSE BILL No. 2048**

By Committee on Federal and State Affairs

1-12

Proposed Amendments to HB 2048 - Patton - business closure  
House Judiciary Committee  
Prepared by Office of Revisor of Statutes  
January 14, 2021

1 AN ACT concerning the governmental response to the COVID-19  
2 pandemic in Kansas; providing certain relief related to health, welfare,  
3 property and economic security during this public health emergency;  
4 relating to the state of disaster emergency; powers of the governor and  
5 executive officers; providing certain limitations and restrictions;  
6 authorizing the temporary sale of alcoholic liquor for consumption off  
7 of certain licensed premises; relating to changes in eligibility for  
8 benefits under the employment security law in response to the COVID-  
9 19 public health emergency; authorizing the expanded use of  
10 telemedicine in response to the COVID-19 public health emergency  
11 and imposing requirements related thereto; suspending certain  
12 requirements related to medical care facilities and expiring such  
13 provisions; providing for temporary suspension of certain healthcare  
14 professional licensing and practice requirements; delegation and  
15 supervision requirements; conditions of licensure and renewal and  
16 reinstatement of licensure; relating to limitations on business liability  
17 associated with the COVID-19 public health emergency; amending  
18 K.S.A. 2019 Supp. 48-925, as amended by section 34 of chapter 1 of  
19 the 2020 Special Session Laws of Kansas and 48-925, as amended by  
20 section 34 of chapter 1 of the 2020 Special Session Laws of Kansas, as  
21 amended by section 5 of this act, and K.S.A. 2020 Supp. 41-2653, 44-  
22 705, 48-924, 48-924b, 48-925a, 48-963, 48-965, 48-966 and 60-5504  
23 and repealing the existing sections.  
24

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

26 Section 1. K.S.A. 2020 Supp. 41-2653 is hereby amended to read as  
27 follows: 41-2653. (a) In addition to the rights of a licensee pursuant to  
28 provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments  
29 thereto, a class A club license, class B club license or drinking  
30 establishment license shall allow the licensee to allow legal patrons of the  
31 club or drinking establishment to remove from the licensed premises one  
32 or more opened containers of alcoholic liquor, subject to the following  
33 conditions:

- 34 (1) It must be legal for the licensee to sell the alcoholic liquor in its  
35 original container;  
36 (2) the alcoholic liquor must be in its original container;

1 ammunition pursuant to subsection (c)(8) or any other executive authority.

2 (e) Notwithstanding any provision of this section to the contrary and  
3 pursuant to the governor's state of disaster emergency proclamation issued  
4 on May 26, 2020, the governor shall not have the power or authority to  
5 restrict businesses from operating or to restrict the movement or gathering  
6 of individuals. The provisions of this subsection shall expire on September  
7 15, 2020.

8 (f) The governor shall not have the power under the provisions of the  
9 Kansas emergency management act or the provisions of any other law to  
10 alter or modify any provisions of the election laws of the state including,  
11 but not limited to, the method by which elections are conducted or the  
12 timing of such elections.

13 (g) The governor shall exercise the powers conferred by subsection  
14 (c) by issuance of orders under subsection (b). Each order issued pursuant  
15 to the authority granted by subsection (b) shall specify the provision or  
16 provisions of subsection (c) by specific reference to each paragraph of  
17 subsection (c) that confers the power under which the order was issued.  
18 The adjutant general, subject to the direction of the governor, shall  
19 administer such orders.

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

26 (1) The board has consulted with the local health officer or other local  
27 health officials regarding the governor's executive order;

28 (2) following such consultation, implementation of the full scope of  
29 the provisions in the governor's executive order are not necessary to  
30 protect the public health and safety of the county; and

31 (3) all other relevant findings to support the board's decision.

32 Sec. 7. K.S.A. 2020 Supp. 48-925a is hereby amended to read as  
33 follows: 48-925a. (a) On and after September 15, 2020, During any state  
34 of disaster emergency related to the COVID-19 public health emergency  
35 declared pursuant to K.S.A. 48-924, and amendments thereto, the governor  
36 may not ~~issue an~~ order the closure or cessation of any ~~that substantially~~  
37 ~~burdens or inhibits the gathering or movement of individuals or operation~~  
38 ~~of any religious, civic,~~ business or commercial activity, whether for-profit  
39 or not-for-profit, ~~for more than 15 days.~~ At least 24 hours prior to the  
40 issuance of such order, the governor shall call a meeting of the state  
41 finance council for the purpose of consulting with the council regarding  
42 the conditions necessitating the issuance of such order. After such initial  
43 order or orders providing for the closure or cessation of any business or

the closure or  
cessation of any

strike

and may not issue an order  
that prevents the movement or  
gathering of individuals