

HOUSE BILL No. 2745

By Committee on Federal and State Affairs

3-28

1 AN ACT concerning the Kansas national guard; relating to COVID-19
2 vaccine requirements; memorandums of reprimand; characterization of
3 separation from service due to non-compliance with a COVID-19
4 requirement as a general discharge under honorable conditions.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. (a) Notwithstanding any provision of law to the contrary, if
8 any member of the Kansas national guard refuses to comply with a
9 COVID-19 vaccine requirement:

10 (1) Any memorandum of reprimand resulting from such refusal shall
11 be placed in the member's local file but shall not be placed in the member's
12 official military personnel file;

13 (2) such member's service shall be characterized as a general
14 discharge under honorable conditions, at a minimum, if:

15 (A) Such member is separated from service as a result of such
16 refusal; and

17 (B) such member's service would otherwise qualify for such
18 characterization; and

19 (3) such member who receives a general discharge under honorable
20 conditions shall receive all benefits upon separation.

21 (b) The provisions of this section shall apply retroactively from
22 December 14, 2020. Any memorandum of reprimand that was filed or any
23 member's service that was characterized contrary to the provisions of this
24 section prior to the effective date of this act shall be refiled or
25 recharacterized by the appropriate Kansas national guard personnel in
26 accordance with the provisions of this section. Any bonuses received,
27 including, but not limited to, enlistment and reenlistment bonuses, shall be
28 exempt from repayment as a result of member separation.

29 (c) As used in this section:

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

33 (2) "COVID-19 vaccine requirement" means that the commander in
34 chief or the adjutant general or any designee or subordinate thereof:

35 (A) Requires a member of the Kansas national guard to receive a
36 COVID-19 vaccine;

1 (B) requires a member of the Kansas national guard to provide
2 documentation certifying receipt of a COVID-19 vaccine; or

3 (C) enforces a requirement described in subparagraph (A) or (B) that
4 is imposed by the federal government or any other entity.

5 (d) This section shall expire on December 31, 2023.

6 Sec. 2. This act shall take effect and be in force from and after its
7 publication in the Kansas register.