

SENATE BILL No. 541

By Committee on Federal and State Affairs

3-1

1 AN ACT concerning **governmental action; relating to** public health;
2 requiring compensation for the use, restriction on use, damage, loss or
3 destruction of property as a result of certain governmental actions
4 **prohibiting a governmental entity or public official from ordering or**
5 **otherwise requiring a person to wear a face mask as a response to a**
6 **contagious or infectious disease**; providing that orders and similar
7 actions by public officials relating to ~~face mask mandates~~, gathering
8 limitations, business restrictions and religious gathering limitations
9 shall not exceed 30 days in duration at a time before being renewed or
10 allowed to expire; requiring court petitions challenging such orders and
11 actions to be ruled on without unreasonable delay; prohibiting school
12 officials from issuing or requiring use of a COVID-19 vaccination
13 passport or discriminating against a student based upon COVID-19
14 vaccination status; requiring schools to recognize exemptions from
15 vaccination requirements ~~and face mask mandates~~; modifying judicial
16 review provisions related to certain executive orders issued during a
17 state of disaster emergency and certain actions taken by a local unit of
18 government during a state of local disaster emergency; **limiting powers**
19 **of the governor and other governmental entities under the Kansas**
20 **emergency management act related to the exercise of religion**;
21 prescribing powers, duties and functions of the board of education of
22 each school district, the governing body of each community college and
23 the governing body of each technical college related to contagious or
24 infectious disease and modifying judicial review provisions related
25 thereto; removing the sunset provision in the COVID-19 contact
26 tracing privacy act; prohibiting schools and child care facilities from
27 denying access to facilities unless there are reasonable grounds to
28 believe that the person is actually infected with a disease suspected of
29 being infectious or contagious; ~~authorizing reimbursement of property~~
30 ~~taxes levied upon businesses shut down or restricted as a result of~~
31 ~~certain governmental actions related to contagious or infectious~~
32 ~~disease~~; amending K.S.A. 65-119, 65-122 and 72-6262 and K.S.A.
33 2021 Supp. 48-925, 48-925c, 48-925d, 48-932, 48-961, 65-101, 65-201
34 and ~~79-1614~~ **65-202** and repealing the existing sections.

35
36 *Be it enacted by the Legislature of the State of Kansas:*

1 ~~New Section 1. (a) Each person within this state shall act and manage~~
2 ~~the affairs of such person and such person's property in any way that~~
3 ~~reasonably will assist and not detract from the ability of the state and the~~
4 ~~public successfully to prevent and respond to contagious or infectious~~
5 ~~disease. This obligation includes appropriate personal service and~~
6 ~~appropriate use of property in response to a governmental action. This~~
7 ~~section neither increases nor decreases these obligations but recognizes~~
8 ~~their existence under the constitution and statutes and the common law of~~
9 ~~this state. Compensation for services or for the taking, use or restriction on~~
10 ~~use of property shall be only to the extent that obligations recognized in~~
11 ~~this subsection are exceeded in a particular case and only to the extent that~~
12 ~~the claimant may not be deemed to have volunteered services or property~~
13 ~~without compensation.~~

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

17 ~~(c) Compensation for property shall be provided only if the property~~
18 ~~was commandeered, restricted for use or otherwise used pursuant to a~~
19 ~~governmental action and the destruction, use or restriction on use of such~~
20 ~~property was ordered by a public official pursuant to such governmental~~
21 ~~action.~~

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

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

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

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

39 ~~(3) not include loss of present or future profits, opportunity cost or~~
40 ~~other extraordinary damages.~~

41 ~~(f) As used in this section:~~

42 ~~(1) "Governmental action" means an order, resolution or ordinance~~
43 ~~related to a contagious or infectious disease issued or adopted by the state,~~

1 county, city or other political subdivision of the state, including, but not
2 limited to, an order, resolution or ordinance issued or adopted pursuant to a
3 declared state of disaster emergency under K.S.A. 48-924, and
4 amendments thereto, or a declared state of local disaster emergency under
5 K.S.A. 48-932, and amendments thereto, that mandates the wearing of face
6 masks, limits the size of gatherings of individuals, restricts the operation of
7 business, controls the movement of persons or limits religious gatherings;

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

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

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

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

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

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

21 (e) This section shall only apply to a governmental action taken on or
22 after the effective date of this act.

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

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

38 (b) (1) Any party aggrieved by an ordinance adopted or an action
39 taken pursuant to subsection (a) may file a civil action in the district court
40 of the county in which the city is located within 30 days after such
41 ordinance is adopted or such action is taken. 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

1 in any such action. The court shall grant the request for relief unless the
2 court finds such order is narrowly tailored to the purpose stated in the
3 order and uses the least restrictive means to achieve such purpose. The
4 court shall issue an order on such petition without unreasonable delay after
5 the hearing is conducted.

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

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

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

15 ~~New Sec.—3.~~ 2. (a) Notwithstanding any provision of law to the
16 contrary, postsecondary educational institutions, as defined in K.S.A. 74-
17 3201b, and amendments thereto, the state board of education, local boards
18 of education, schools or school officials shall not:

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

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

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

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

28 (c) As used in this section:

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

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

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

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

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

5 (2) ~~a written statement signed by one parent or guardian, or signed by~~
6 ~~the person if such person is 18 years of age or older, that wearing a face~~
7 ~~mask would violate sincerely held religious beliefs of the person. The~~
8 ~~person shall be granted an exemption requested in accordance with this~~
9 ~~paragraph based on sincerely held religious beliefs without inquiring into~~
10 ~~the sincerity of the request.~~

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

17 (c) ~~If a student transfers from one school to another, the school from~~
18 ~~which the student transfers shall forward with the student's transcript the~~
19 ~~certification or statement described in subsection (a) to the school to which~~
20 ~~the student transfers.~~

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

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

25 (2) ~~segregated or separated from other individuals because of such~~
26 ~~action.~~

27 (e) ~~As used in this section:~~

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

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

33 ***New Sec. 3. (a) Notwithstanding any provision of law to the***
34 ***contrary, a governmental entity or public official shall not order or***
35 ***otherwise require a person to wear a face mask as a response to a***
36 ***contagious or infectious disease.***

37 ***(b) A governmental entity or public official may recommend that a***
38 ***person wear a face mask as a response to a contagious or infectious***
39 ***disease.***

40 ***New Sec.-5: 4.*** The provisions of this act are severable. If any portion
41 of the act is declared unconstitutional or invalid, or the application of any
42 portion of the act to any person or circumstance is held unconstitutional or
43 invalid, the invalidity shall not affect other portions of the act that can be

1 given effect without the invalid portion or application, and the
2 applicability of such other portions of the act to any person or
3 circumstance shall remain valid and enforceable.

4 Sec. ~~6~~ 5. K.S.A. 2021 Supp. 48-925 is hereby amended to read as
5 follows: 48-925. (a) During any state of disaster emergency declared under
6 K.S.A. 48-924, and amendments thereto, the governor shall be
7 commander-in-chief of the organized and unorganized militia and of all
8 other forces available for emergency duty. To the greatest extent
9 practicable, the governor shall delegate or assign command authority by
10 prior arrangement, embodied in appropriate executive orders or in rules
11 and regulations of the adjutant general, but nothing shall restrict the
12 authority of the governor to do so by executive orders issued at the time of
13 a disaster.

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

29 (c) Except as provided in K.S.A. 2021 Supp. 48-924b, and
30 amendments thereto, during a state of disaster emergency declared under
31 K.S.A. 48-924, and amendments thereto, in addition to any other powers
32 conferred upon the governor by law and subject to the provisions of
33 ~~subsections~~ **subsection** (d) ~~and (e)~~, the governor may:

34 (1) Suspend the provisions of any regulatory statute prescribing the
35 procedures for conduct of state business, or the orders or rules and
36 regulations of any state agency which implements such statute, if strict
37 compliance with the provisions of such statute, order or rule and regulation
38 would prevent, hinder or delay in any way necessary action in coping with
39 the disaster;

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

42 (3) transfer the supervision, personnel or functions of state
43 departments and agencies or units thereof for the purpose of performing or

1 facilitating emergency management activities;

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

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

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

12 (7) control ingress and egress of persons and animals to and from a
13 disaster area, the movement of persons and animals within the area and the
14 occupancy by persons and animals of premises therein;

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

17 (9) make provision for the availability and use of temporary
18 emergency housing;

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

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

27 (d) *(1)* The governor shall not have the power or authority to limit or
28 otherwise restrict the sale, purchase, transfer, ownership, storage, carrying
29 or transporting of firearms or ammunition, or any component or
30 combination thereof, including any components or combination thereof
31 used in the manufacture of firearms or ammunition, or seize or authorize
32 the seizure of any firearms or ammunition, or any component or
33 combination thereto, except as otherwise permitted by state or federal law
34 pursuant to subsection (c)(8) or any other executive authority.

35 ~~(e)(2)~~ The governor shall not have the power under the provisions of
36 the Kansas emergency management act or ~~the provisions of any other law~~
37 to:

38 *(A)* Alter or modify any provisions of the election laws of the state
39 including, but not limited to, the method by which elections are conducted
40 or the timing of such elections; *or*

41 *(B)* *order or otherwise require a person to wear a face mask as a*
42 *response to a contagious or infectious disease.*

43 *(3) No rule, regulation or executive order issued by the governor or*

1 *any other governmental entity pursuant to the Kansas emergency*
 2 *management act shall apply to the exercise of religion in a church,*
 3 *synagogue or other place of worship.*

4 ~~(f)~~(e) The governor shall exercise the powers conferred by subsection
 5 (c) by issuance of executive orders under subsection (b). Each executive
 6 order issued pursuant to the authority granted by subsection (b) shall
 7 specify the provision or provisions of subsection (c) by specific reference
 8 to each paragraph of subsection (c) that confers the power under which the
 9 executive order was issued. The adjutant general, subject to the direction
 10 of the governor, shall administer such executive orders.

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

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

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

32 (4) The supreme court 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 ~~(h)~~(g) (1) The board of county commissioners of any county may
 37 issue an order relating to public health that includes provisions that are less
 38 stringent than the provisions of an executive order effective statewide
 39 issued by the governor. Any board of county commissioners issuing such
 40 an order must make the following findings and include such findings in the
 41 order:

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

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

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

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

8 Sec. ~~7~~. 6. K.S.A. 2021 Supp. 48-925c is hereby amended to read as
9 follows: 48-925c. (a) (1) ~~During the state of disaster emergency related to~~
10 ~~the COVID-19 health emergency described in K.S.A. 2021 Supp. 48-924b,~~
11 ~~and amendments thereto,~~ Only the board of education responsible for the
12 maintenance, development and operation of a school district shall have the
13 authority to take any action, issue any order or adopt any policy made or
14 taken in response to ~~such disaster emergency~~ *a contagious or infectious*
15 *disease* that affects the operation of any school or attendance center of
16 such school district, including, but not limited to, any action, order or
17 policy that:

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

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

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

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

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

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

31 (3) ~~During any such disaster emergency,~~ The state board of education,
32 the governor, the department of health and environment, a local health
33 officer, a city health officer or any other state or local unit of government
34 may provide guidance, consultation or other assistance to the board of
35 education of a school district but shall not take any action ~~related to such~~
36 ~~disaster emergency~~ that affects the operation of any school or attendance
37 center of such school district ~~pursuant as described in~~ to paragraph (1).

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

1 public, the board and employees.

2 (c) (1) An employee, a student or the parent or guardian of a student
3 aggrieved by an action taken, order issued or policy adopted by the board
4 of education of a school district pursuant to subsection (a)(1), or an action
5 of any employee of a school district violating any such action, order or
6 policy, may request a hearing by such board of education to contest such
7 action, order or policy within 30 days after the action was taken, order was
8 issued or policy was adopted by the board of education. Any such request
9 shall not stay or enjoin such action, order or policy.

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

15 (3) The board of education may adopt emergency rules of procedure
16 to 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 (d) (1) An employee, a student or the parent or guardian of a student
20 aggrieved by a decision of the board of education under subsection (c)(2)
21 may file a civil action in the district court of the county in which such
22 party resides or in the district court of Shawnee county, Kansas, within 30
23 days after such decision is issued by the board. Notwithstanding any order
24 issued pursuant to K.S.A. 2021 Supp. 20-172(a), and amendments thereto,
25 the court shall conduct a hearing within 72 hours after receipt of a petition
26 in any such action. The court shall grant the request for relief unless the
27 court finds the action taken, order issued or policy adopted by the board of
28 education is narrowly tailored to respond to the state of disaster emergency
29 and uses the least restrictive means to achieve such purpose. The court
30 shall issue an order on such petition ~~within seven days~~ *without*
31 *unreasonable delay* after the hearing is conducted. ~~If the court does not~~
32 ~~issue an order on such petition within seven days, the relief requested in~~
33 ~~the petition shall be granted.~~

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

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

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

1 Sec. 7. K.S.A. 2021 Supp. 48-925d is hereby amended to read as
2 follows: 48-925d. (a) (1) ~~During the state of disaster emergency related to~~
3 ~~the COVID-19 health emergency described in K.S.A. 2021 Supp. 48-924b,~~
4 ~~and amendments thereto,~~ Only the governing body of a community
5 college, as established pursuant to K.S.A. 71-201, and amendments
6 thereto, or the governing body of a technical college, as established
7 pursuant to K.S.A. 74-32,452, and amendments thereto, shall have the
8 authority to take any action, issue any order or adopt any policy made or
9 taken in response to ~~such disaster emergency~~ *a contagious or infectious*
10 *disease* that affects the operation of the community college or technical
11 college governed by such governing body, including, but not limited to,
12 any action, order or policy that:

13 (A) Closes or has the effect of closing any community college or
14 technical college;

15 (B) authorizes or requires any form of attendance at any community
16 college or technical college; or

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

19 (2) ~~During any such disaster emergency,~~ *An action taken, order issued*
20 *or policy adopted by the governing body of a community college or*
21 *technical college pursuant to paragraph (1) shall not exceed 30 days in*
22 *duration at a time before such action, order or policy shall be renewed,*
23 *modified, rescinded or allowed to expire.*

24 (3) The state board of regents, the governor, the department of health
25 and environment, a local health officer, a city health officer, the Kansas
26 association of community college trustees, the Kansas technical college
27 association or any other state or local unit of government may provide
28 guidance, consultation or other assistance to the governing body of a
29 community college or technical college, but shall not take any action
30 ~~related to such disaster emergency~~ that affects the operation of any such
31 college *as described in paragraph (1).*

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

39 (c) (1) An employee or a student aggrieved by an action taken, order
40 issued or policy adopted by the governing body of a community college or
41 technical college pursuant to subsection (a)(1), or an action of any
42 employee of such college violating any such action, order or policy, may
43 request a hearing by such governing body to contest such action, order or

1 policy. Any such request shall not stay or enjoin such action, order or
2 policy.

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

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

12 (d) (1) An employee or a student aggrieved by a decision of the
13 governing body under subsection (c)(2) may file a civil action in the
14 district court of the county in which such party resides or in the district
15 court of Shawnee county, Kansas, within 30 days after such decision is
16 issued by the governing body. Notwithstanding any order issued pursuant
17 to K.S.A. 2021 Supp. 20-172(a), and amendments thereto, the court shall
18 conduct a hearing within 72 hours after receipt of a petition in any such
19 action. The court shall grant the request for relief unless the court finds the
20 action taken, order issued or policy adopted by the governing body is
21 narrowly tailored to respond to the state of disaster emergency and uses the
22 least restrictive means to achieve such purpose. The court shall issue an
23 order on such petition ~~within seven days~~ *without unreasonable delay* after
24 the hearing is conducted. ~~If the court does not issue an order on such~~
25 ~~petition within seven days, the relief requested in the petition shall be~~
26 ~~granted.~~

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

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

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

37 ~~Sec. 9.~~ **8.** K.S.A. 2021 Supp. 48-932 is hereby amended to read as
38 follows: 48-932. (a) A state of local disaster emergency may be declared
39 by the chairperson of the board of county commissioners of any county, or
40 by the mayor or other principal executive officer of each city of this state
41 having a disaster emergency plan, upon a finding by such officer that a
42 disaster has occurred or the threat thereof is imminent within such county
43 or city. No state of local disaster emergency shall be continued for a period

1 in excess of seven days or renewed, except with the consent of the board
2 of county commissioners of such county or the governing body of such
3 city. Any order or proclamation declaring, continuing or terminating a
4 local disaster emergency shall be given prompt and general publicity and
5 shall be filed with the county clerk or city clerk. Any such declaration may
6 be reviewed, amended or revoked by the board of county commissioners
7 or the governing body of the city, respectively, at a meeting of such
8 governing body.

9 (b) In the event of the absence of the chairperson of the board of
10 county commissioners from the county or the incapacity of such
11 chairperson, the board of county commissioners, by majority action of the
12 remaining members thereof, may declare a state of local disaster
13 emergency in the manner provided in and subject to the provisions of
14 subsection (a). In the event of the absence of the mayor or other principal
15 executive officer of a city from the city or the incapacity of such mayor or
16 officer, the governing body of the city, by majority action of the remaining
17 members thereof, may declare a state of local disaster emergency in the
18 manner provided in and subject to the provisions of subsection (a). Any
19 state of local disaster emergency and any actions taken pursuant to
20 applicable local and interjurisdictional disaster emergency plans, under
21 this subsection shall continue and have full force and effect as authorized
22 by law unless modified or terminated in the manner prescribed by law.

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

27 (d) No interjurisdictional disaster agency or any official thereof may
28 declare a local disaster emergency, unless expressly authorized by the
29 agreement pursuant to which the agency functions. However, an
30 interjurisdictional disaster agency shall provide aid and services in
31 accordance with the agreement pursuant to which it functions in the case
32 of a state of local disaster emergency declared under subsection (a).

33 (e) (1) ***A governmental entity or public official shall not have the***
34 ***power under the provisions of the Kansas emergency management act or***
35 ***any other law to order or otherwise require a person to wear a face mask***
36 ***as a response to a contagious or infectious disease.***

37 (2) ***No action taken by a governmental entity or public official***
38 ***pursuant to the Kansas emergency management act shall apply to the***
39 ***exercise of religion in a church, synagogue or other place of worship.***

40 (f) (I) Any party aggrieved by an action taken by a local unit of
41 government pursuant to this section that has the effect of substantially
42 burdening or inhibiting the gathering or movement of individuals or the
43 operation of any religious, civic, business or commercial activity, whether

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

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

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

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

22 ~~Sec. 48-961.~~ **9.** K.S.A. 2021 Supp. 48-961 is hereby amended to read as
23 follows: 48-961. (a) This section shall be known and may be cited as the
24 COVID-19 contact tracing privacy act.

25 (b) The purpose of this act is to protect the privacy of persons whose
26 information is collected through contact tracing and the confidentiality of
27 contact data.

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

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

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

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

43 (3) (A) Before collecting any contact data, each person acting as a

1 contact tracer shall execute, under oath, on a form prescribed by rules and
2 regulations of the secretary adopted pursuant to subsection (j) an
3 acknowledgment of familiarity with this section and the duties it imposes
4 upon such person, including the duty of confidentiality.

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

9 (4) A contact tracer employed, contracted or engaged by the secretary
10 shall be deemed a state employee under the Kansas tort claims act, K.S.A.
11 75-6101 et seq., and amendments thereto. A contact tracer employed,
12 contracted or engaged by a local health officer shall be deemed an
13 employee of the county under the Kansas tort claims act, K.S.A. 75-6101
14 et seq., and amendments thereto.

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

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

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

24 (4) Contact data shall be:

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

27 (B) confidential and shall not be disclosed, produced in response to
28 any Kansas open records act request or made public, unless the disclosure
29 is necessary to conduct contact tracing; and

30 (C) safely and securely destroyed when no longer necessary for
31 contact tracing, pursuant to rules and regulations of the secretary adopted
32 pursuant to subsection (j).

33 (f) (1) Participation in contact tracing shall be voluntary, and no
34 contact or infected person shall be compelled to participate in, nor be
35 prohibited from participating in, contact tracing.

36 (2) Any contact or infected person who in good faith discloses to a
37 contact tracer information requested by such contact tracer under authority
38 of this subsection shall be immune from civil, criminal and administrative
39 liability for such disclosure.

40 (3) No criminal, civil or administrative liability shall arise against a
41 contact or infected person solely due to such person's failure to cooperate
42 in contact tracing conducted pursuant to this subsection.

43 (g) Contact tracing shall not be conducted through the use of any

1 service or means that uses cellphone location data to identify or track,
2 directly or indirectly, the movement of persons.

3 (h) (1) No third party shall be required to collect or maintain data
4 regarding infected persons or contacts for the purpose of contact tracing.

5 (2) Except as provided by paragraph (3), no contact tracer shall obtain
6 contact data related to an infected person or contact from any third party.

7 (3) Contact data voluntarily collected or maintained by a third party
8 may be obtained by a contact tracer only if:

9 (A) The third party provides such information to the contact tracer
10 voluntarily and with the consent of the infected person or contact whose
11 information is disclosed; or

12 (B) such information is provided pursuant to a valid warrant.

13 (i) (1) A person may bring a civil action to enjoin violations of this
14 section.

15 (2) A knowing violation of this section is a class C nonperson
16 misdemeanor.

17 (3) Contact data shall be deemed personal information within the
18 meaning of K.S.A. 50-6,139b(a)(3), and amendments thereto.

19 (4) The remedies provided by this subsection shall be in addition to
20 each other and to any other available civil or criminal remedies authorized
21 by law.

22 (j) The secretary shall promulgate rules and regulations to implement,
23 administer and enforce the provisions of this section ~~prior to August 1,~~
24 ~~2020.~~

25 (k) As used in this section, unless the context otherwise requires:

26 (1) "Contact" means a person known to have been in association with
27 an infected person as to have had an opportunity of acquiring an infection.

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

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

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

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

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

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

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

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

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

6 ~~(1) The provisions of this section shall expire on May 1, 2021.~~
7 *Notwithstanding the prior expiration of this section on May 1, 2021, the*
8 *provisions of this section shall be in force and effect on and after the*
9 *effective date of this act.*

10 Sec. ~~H.~~ **10.** K.S.A. 2021 Supp. 65-101 is hereby amended to read as
11 follows: 65-101. (a) *Except as provided in subsection (d) and section 3,*
12 *and amendments thereto,* the secretary of health and environment shall
13 exercise general supervision of the health of the people of the state and
14 may:

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

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

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

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

28 (5) take action to prevent the introduction of infectious or contagious
29 disease into this state and to prevent the spread of infectious or contagious
30 disease within this state;

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

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

41 (c) In the event of a state of disaster emergency declared by the
42 governor pursuant to K.S.A. 48-924, and amendments thereto, or a state of
43 local disaster emergency declared pursuant to K.S.A. 48-932, and

1 amendments thereto, the legislature may revoke an order issued by the
 2 secretary to take action related to such disaster emergency as provided in
 3 this subsection. Such order may be revoked at any time by concurrent
 4 resolution of the legislature or, when the legislature is not in session or is
 5 adjourned during session for three or more days, such order may be
 6 revoked by the legislative coordinating council with the affirmative vote of
 7 five members thereof.

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

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

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

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

20 ~~Sec. 12.~~ **II.** K.S.A. 65-119 is hereby amended to read as follows: 65-
 21 119. (a) Any county or joint board of health or local health officer having
 22 knowledge of any infectious or contagious disease, or of a death from such
 23 disease, within their jurisdiction, shall immediately exercise and maintain
 24 a supervision over such case or cases during their continuance, seeing that
 25 all such cases are properly cared for and that the provisions of this act as to
 26 isolation, restriction of communication, quarantine and disinfection are
 27 duly enforced, *except as provided in K.S.A. 65-201, and amendments*
 28 *thereto*. The county or joint board of health or local health officer shall
 29 communicate without delay all information as to existing conditions to the
 30 secretary of health and environment. The local health officer shall confer
 31 personally, if practicable, otherwise by letter, with the person in attendance
 32 upon the case, as to its future management and control. The county or joint
 33 board of health or local health officer is hereby empowered and authorized
 34 to prohibit public gatherings when necessary for the control of any and all
 35 infectious or contagious disease, *except as provided in K.S.A. 65-201, and*
 36 *amendments thereto*.

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

43 ~~Sec. 13.~~ **12.** K.S.A. 65-122 is hereby amended to read as follows: 65-

1 122. (a) No person afflicted with an infectious or contagious disease
2 dangerous to the public health shall be admitted into any public, parochial
3 or private school or licensed child care facility. It shall be the duty of the
4 parent or guardian, and the principal or other person in charge of any
5 public, parochial, private school or licensed child care facility to exclude
6 therefrom any child or other person affected with a disease suspected of
7 being infectious or contagious until the expiration of the prescribed period
8 of isolation or quarantine for the particular infectious or contagious
9 disease. If the attending person licensed to practice medicine and surgery
10 or local health officer finds upon examination that the person affected with
11 a disease, suspected of being infectious or contagious is not suffering from
12 an infectious or contagious disease, he or she may submit a certificate to
13 this effect to the person in charge of the public, parochial, private school or
14 licensed child care facility and such person shall be readmitted to school or
15 to the child care facility.

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

23 ~~Sec. 14.13.~~ K.S.A. 2021 Supp. 65-201 is hereby amended to read as
24 follows: 65-201. (a) The board of county commissioners of each county
25 shall act as the county board of health for the county. Each county board
26 shall appoint a person licensed to practice medicine and surgery,
27 preference being given to persons who have training in public health, who
28 shall serve as the local health officer and who shall act in an advisory
29 capacity to the county board of health. The appointing authority of city-
30 county, county or multicounty health units with less than 100,000
31 population may appoint a qualified local health program administrator as
32 the local health officer if a person licensed to practice medicine and
33 surgery or person licensed to practice dentistry is designated as a
34 consultant to direct the administrator on program and related medical and
35 professional matters. The local health officer or local health program
36 administrator shall hold office at the pleasure of the board.

37 (b) (1) Except as provided in paragraph (2), any order issued by the
38 local health officer, including orders issued as a result of an executive
39 order of the governor, may be reviewed, amended or revoked by the board
40 of county commissioners of the county affected by such order at a meeting
41 of the board. Any order reviewed or amended by the board shall include an
42 expiration date set by the board and may be amended or revoked at an
43 earlier date by a majority vote of the board.

1 (2) (A) *Except as provided in section 3, and amendments thereto*, if
2 a local health officer determines it is necessary to issue an order ~~mandating~~
3 ~~the wearing of face masks~~, limiting the size of gatherings of individuals,
4 ~~curtailing~~ *restricting* the operation of business, controlling the movement
5 of the population of the county or limiting religious gatherings, the local
6 health officer shall propose such an order to the board of county
7 commissioners. At the next regularly scheduled meeting of the board or at
8 a special meeting of the board, the board shall review such proposed order
9 and may take any action related to the proposed order the board
10 determines is necessary. The order shall become effective if approved by
11 the board or, if the board is unable to meet, if approved by the chairperson
12 of the board or the vice chairperson of the board in the chairperson's
13 absence or disability. *Such order shall not exceed 30 days in duration at a*
14 *time before such order shall be renewed, modified, rescinded or allowed to*
15 *expire.*

16 (B) *For purposes of this section, "restricting the operation of*
17 *business" includes, but is not limited to, any occupancy limitation,*
18 *limitation on periods of operation or the exertion by any governmental*
19 *entity of other significant control on business resources, property or*
20 *functionality.*

21 (c) The board of county commissioners in any county having a
22 population of less than 15,000 may contract with the governing body of
23 any hospital located in such county for the purpose of authorizing such
24 governing body of the hospital to supply services to a county board of
25 health.

26 (d) (1) Any party aggrieved by an order issued pursuant to subsection
27 (b)(2) may file a civil action in the district court of the county in which the
28 order was issued within 30 days after such order is issued.
29 Notwithstanding any order issued pursuant to K.S.A. 2021 Supp. 20-
30 172(a), and amendments thereto, the court shall conduct a hearing within
31 72 hours after receipt of a petition in any such action. The court shall grant
32 the request for relief unless the court finds such order is narrowly tailored
33 to the purpose stated in the order and uses the least restrictive means to
34 achieve such purpose. The court shall issue an order on such petition
35 ~~within seven days without unreasonable delay~~ after the hearing is
36 conducted. ~~If the court does not issue an order on such petition within~~
37 ~~seven days, the relief requested in the petition shall be granted.~~

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

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

43 (4) The supreme court may adopt emergency rules of procedure to

1 facilitate the efficient adjudication of any hearing requested under this
 2 subsection, including, but not limited to, rules for consolidation of similar
 3 hearings.

4 ***Sec. 14. K.S.A. 2021 Supp. 65-202 is hereby amended to read as***
 5 ***follows: 65-202. (a) (1) The local health officer in each county***
 6 ***throughout the state, immediately after such officer's appointment, shall***
 7 ***take the same oath of office prescribed by law for the county officers,***
 8 ***shall give bond of \$500 conditioned for the faithful performance of the***
 9 ***officer's duties, shall keep an accurate record of all the transactions of***
 10 ***such office, shall turn over to the successor in office or to the county or***
 11 ***joint board of health selecting such officer, on the expiration of such***
 12 ***officer's term of office, all records, documents and other articles***
 13 ***belonging to the office and shall faithfully account to the board of***
 14 ***county commissioners and to the county and state for all moneys coming***
 15 ***into the office. Such officer shall notify the secretary of health and***
 16 ***environment of such officer's appointment and qualification, and***
 17 ***provide the secretary with such officer's contact information.***

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

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

30 ~~(e)~~***(b) (1) Such The local health officer shall make an investigation***
 31 ***of each case of smallpox, diphtheria, typhoid fever, scarlet fever, acute***
 32 ***anterior poliomyelitis (infantile paralysis), epidemic cerebro-spinal***
 33 ***meningitis and such other acute infectious, contagious or communicable***
 34 ***diseases as may be required, and, except as provided in section 3, and***
 35 ***amendments thereto, shall: (A) Use all known measures to prevent the***
 36 ***spread of any such infectious, contagious or communicable disease;***
 37 ***and shall (B) perform such other duties as this act, the county or joint***
 38 ***board, board of health or the secretary of health and environment may***
 39 ***require.***

40 ***(2) Any order issued by the local health officer, including orders***
 41 ***issued as a result of an executive order of the governor, on behalf of a***
 42 ***county regarding the remediation of any infectious, contagious or***
 43 ***communicable disease may be reviewed, amended or revoked by the***

1 *board of county commissioners of any county affected by such order in*
 2 *the manner provided by K.S.A. 65-201(b), and amendments thereto.*

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

7 *(d) For any failure or neglect of the local health officer to perform*
 8 *any of the duties prescribed in this act, the officer may be removed from*
 9 *office by the county board of health. In addition to removal from office,*
 10 *for any failure or neglect to perform any of the duties prescribed by this*
 11 *act, the local health officer shall be deemed guilty of a unclassified*
 12 *misdemeanor and, upon conviction, be fined not less \$10 nor more than*
 13 *\$100 for each and every offense.*

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

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

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

34 (2) a written statement signed by one parent or guardian that ~~the child~~
 35 ~~is an adherent of a religious denomination whose religious teachings are~~
 36 ~~opposed to~~ such tests or inoculations *would violate sincerely held religious*
 37 *beliefs of the parent, guardian or child. The student shall be granted an*
 38 *exemption requested in accordance with this paragraph based on sincerely*
 39 *held religious beliefs without inquiring into the sincerity of the request.*

40 (c) *As an alternative to the certification required under subsection*
 41 *(a), if an inoculation or test does not have final approval by the federal*
 42 *food and drug administration, the student may present:*

43 (1) *An annual written statement signed by a licensed physician or a*

1 *parent or guardian stating the physical condition of the child to be such*
2 *that the test or inoculation would seriously endanger the life or health of*
3 *the child; or*

4 (2) *a written statement signed by one parent or guardian that such*
5 *test or inoculation would violate sincerely held religious beliefs of the*
6 *parent, guardian or child. The student shall be granted an exemption*
7 *requested in accordance with this paragraph based on sincerely held*
8 *religious beliefs without inquiring into the sincerity of the request.*

9 (d) *On or before May 15 of each school year, the school board of*
10 *every school affected by this act shall notify the parents or guardians of all*
11 *known-pupils students who are enrolled or who will be enrolling in the*
12 *school of the provisions this act and any policy regarding the*
13 *implementation of the provisions of this act adopted by the school board.*

14 (d)(e) *If a-pupil student transfers from one school to another, the*
15 *school from which the-pupil student transfers shall forward with the-pupil's*
16 *student's transcript the certification or statement showing evidence of*
17 *compliance with the requirements of this act to the school to which the*
18 *pupil student transfers.*

19 (f) *No student who has presented a certification pursuant to*
20 *subsection (a) or other documentation pursuant to subsection (b) or (c)*
21 *shall be:*

22 (1) *Denied enrollment or participation in any school activity as a*
23 *result of such student's vaccination status; or*

24 (2) *segregated or separated from other students as a result of such*
25 *student's vaccination status.*

26 (g) *As used in this section, "religious beliefs" includes, but is not*
27 *limited to, theistic and non-theistic moral and ethical beliefs as to what is*
28 *right and wrong that are sincerely held with the strength of traditional*
29 *religious views.*

30 ~~Sec. 16.—K.S.A. 2021 Supp. 79-1614 is hereby amended to read as~~
31 ~~follows: 79-1614. (a) (1) The owner of any building listed and assessed for~~
32 ~~property taxation purposes as real property that maintains a business on the~~
33 ~~property that was shut down or restricted because of any action taken by~~
34 ~~the state, county, city or other political subdivision of the state pursuant to~~
35 ~~an executive order issued by the governor pursuant to K.S.A. 48-925, and~~
36 ~~amendments thereto, or any action taken by a county, city or other political~~
37 ~~subdivision of the state related to a state of disaster emergency declared~~
38 ~~pursuant to K.S.A. 48-924, and amendments thereto, or a state of local~~
39 ~~disaster emergency declared pursuant to K.S.A. 48-932, and amendments~~
40 ~~thereto, or any action taken by a county, city or other political subdivision~~
41 ~~of the state related to contagious or infectious disease pursuant to chapter~~
42 ~~65 of the Kansas Statutes Annotated, and amendments thereto, may make~~
43 ~~application to the board of county commissioners of the county in which~~

1 such property is located for the reimbursement of the property taxes levied
2 upon such property during the shutdown or restriction.

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

16 ~~(b) If the owner is the operator of the business on the property that~~
17 ~~was shut down or restricted, the owner shall be entitled to 100% of such~~
18 ~~reimbursement amount. If the owner is not the operator of such business~~
19 ~~that was shut down or restricted from conducting operations:~~

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

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

23 ~~(3) the operator of such business shall be entitled to 50% of such~~
24 ~~reimbursement amount if such operator joins in the owner's application;~~
25 ~~and~~

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

29 ~~(c) If the state, a city or other political subdivision of the state was the~~
30 ~~governmental entity that shut down or restricted the business resulting in a~~
31 ~~reimbursement to an owner or operator pursuant to this section, such~~
32 ~~governmental entity that shut down or restricted the business shall~~
33 ~~reimburse the county for the cost of such reimbursement.~~

34 ~~(d) For purposes of this section, "restriction" or "restricted" means~~
35 ~~any occupancy limitation, limitation on periods of operation or the~~
36 ~~exertion by any governmental entity of other significant control on~~
37 ~~business resources or functionality.~~

38 ~~(e) The provisions of this section shall be applicable on and after~~
39 ~~January 1, 2022.~~

40 ~~Sec. 17. 16.~~ K.S.A. 65-119, 65-122 and 72-6262 and K.S.A. 2021
41 Supp. 48-925, 48-925c, 48-925d, 48-932, 48-961, 65-101, 65-201 and ~~79-~~
42 ~~1614 65-202~~ are hereby repealed.

43 ~~Sec. 18. 17.~~ This act shall take effect and be in force from and after

- 1 its publication in the Kansas register.