



February 15, 2024

Opponent Testimony SB 391- Written only

The Kansas School Nurse Organization (KSNO) **opposes SB 391**- Enacting the constitutional right to health freedom act to regulate the activities of the secretary of health and environment related to public health functions; repealing statutes relating to the secretary's authority to quarantine individuals and impose associated penalties.

KSNO wants state and local health officials to retain the ability to enact all public health safety measures that are necessary to protect the public from the effects of communicable diseases, including severe illness and death. These officials should be able to follow the best evidenced based practice in dealing with any communicable disease including mandatory quarantines. Quarantines are effective and necessary for outbreaks of measles, tuberculosis, ebola, and many other illnesses.

Quarantine and isolation are police powers given to the states by the US Constitution in order to protect the public by preventing exposure to people who have a communicable disease. States have the right to enforce these laws within their borders. There are also federal laws about quarantine and isolation. Right now those laws are specific to these illnesses: cholera, diphtheria, infectious tuberculosis, plague, smallpox, yellow fever, viral hemorrhagic fevers, severe acute respiratory syndrome, pandemic influenza and measles (<https://www.cdc.gov/quarantine/aboutlawsregulationsquarantineisolation.html>)

The state level has experts in epidemiology, immunology, and public health (resources not always available at the local level) that we should want to collaborate with local officials to keep the public safe from communicable illness. We should not rely on legislators without this expertise to decide what mitigation strategies should be utilized during outbreaks of illness.

- SB 391 also removes the following statutes:
 - K.S.A. 65-126: Lets the KDHE Secretary intervene by quarantining an area if the local government (board of health or local health officer) refuses to take action.
 - K.S.A. 65-127: Penalty provision for those who violate various disease statutes (violating orders of quarantine; also applies to reporting).
 - K.S.A. 65-129: Another penalty statute (specific to those who break the rules and regulations for disease prevention or leave their isolation or quarantine without local health officer consent).
 - K.S.A. 65-129c: This is the statute that spells out local health officer and KDHE secretary authority to issue formal orders of isolation and quarantine and provides the legal remedy if someone wants to contest that order.

At the end of December 2023, a measles outbreak occurred in Philadelphia starting in an unvaccinated individual who had traveled out of the country. That individual then spread it to several other unvaccinated individuals and it then spread further in a daycare center because one of the confirmed cases attended day care disregarding quarantine and exclusion instructions (<https://www.phila.gov/2024-01-04-health-department-reports-additional-measles-exposures/>) If this bill passes we will be unable to enforce quarantines, which can lead to outbreaks like this in Kansas as well.

Please vote “NO” on SB 391 in order to continue to prevent outbreaks of childhood illnesses that put a strain on childhood learning, as well as the economy from increased Kansas dollars spent on healthcare for both acute and chronic outcomes.

Kimberly Martin RN, MEd, BSN
Kansas School Nurse Organization Legislative Chair
on behalf of the Board of the Kansas School Nurses Organization