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

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

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

(1) It must be legal for the licensee to sell the alcoholic liquor in its original container;

(2) the alcoholic liquor must be in its original container;
(3) each container of alcoholic liquor must have been purchased by a patron and the alcoholic liquor in each container must have been partially consumed on the licensed premises;

(4) the licensee or the licensee's employee must provide the patron with a dated receipt for the unfinished container or containers of alcoholic liquor; and

(5) before the container of alcoholic liquor is removed from the licensed premises, the licensee or the licensee's employee must securely reseal each container, place the container in a tamper-proof, transparent bag which is sealed in a manner that makes it visibly apparent if the bag is subsequently tampered with or opened.

(b) (1) In addition to the rights of a licensee pursuant to provisions of K.S.A. 41-2637, 41-2641 or 41-2642, and amendments thereto, and the provisions of subsection (a), a class A club license, class B club license or drinking establishment license shall allow the licensee to allow legal patrons of the club or drinking establishment to remove from the licensed premises one or more containers of alcoholic liquor that is not in the original container, subject to the following conditions:

(A) It must be legal for the licensee to sell the alcoholic liquor;

(B) each container of alcoholic liquor must have been purchased by a patron on the licensed premises;

(C) the licensee or the licensee's employee must provide the patron with a dated receipt for the alcoholic liquor; and

(D) before the container of alcoholic liquor is removed from the licensed premises, the licensee or the licensee's employee must place the container in a transparent bag that is sealed in a manner that makes it visibly apparent if the bag is subsequently tampered with or opened.

(2) The provisions of this subsection shall expire on June 1, 2021.

(c) This section shall be a part of and supplemental to the club and drinking establishment act.

Sec. 2. K.S.A. 2020 Supp. 44-705 is hereby amended to read as follows: 44-705. Except as provided by K.S.A. 44-757, and amendments thereto, an unemployed individual shall be eligible to receive benefits with respect to any week only if the secretary, or a person or persons designated by the secretary, finds that:

(a) The claimant has registered for work at and thereafter continued to report at an employment office in accordance with rules and regulations adopted by the secretary, except that, subject to the provisions of K.S.A. 44-704(a), and amendments thereto, the secretary may adopt rules and regulations that waive or alter either or both of the requirements of this subsection.

(b) The claimant has made a claim for benefits with respect to such
week in accordance with rules and regulations adopted by the secretary.

(c) The claimant is able to perform the duties of such claimant's customary occupation or the duties of other occupations that the claimant is reasonably fitted by training or experience, and is available for work, as demonstrated by the claimant's pursuit of the full course of action most reasonably calculated to result in the claimant's reemployment except that, notwithstanding any other provisions of this section, an unemployed claimant otherwise eligible for benefits shall not become ineligible for benefits: (1) Because of the claimant's enrollment in and satisfactory pursuit of approved training, including training approved under section 236(a)(1) of the trade act of 1974; (2) solely because such individual is seeking only part-time employment if the individual is available for a number of hours per week that are comparable to the individual's part-time work experience in the base period; or (3) because a claimant is not actively seeking work: (i) During a state of disaster emergency proclaimed by the governor pursuant to K.S.A. 48-924 and 48-925, and amendments thereto; (ii) in response to the spread of the public health emergency of COVID-19; and (iii) the state's temporary waiver of the work search requirement under the employment security law for such claimant is in compliance with the families first coronavirus response act, public law 116-127.

For the purposes of this subsection, an inmate of a custodial or correctional institution shall be deemed to be unavailable for work and not eligible to receive unemployment compensation while incarcerated.

(d) (1) Except as provided further, the claimant has been unemployed for a waiting period of one week or the claimant is unemployed and has satisfied the requirement for a waiting period of one week under the shared work unemployment compensation program as provided in K.S.A. 44-757(k)(4), and amendments thereto, and that period of one week, in either case, occurs within the benefit year that includes the week for which the claimant is claiming benefits. No week shall be counted as a week of unemployment for the purposes of this subsection:

(A) If benefits have been paid for such week;

(B) if the individual fails to meet with the other eligibility requirements of this section; or

(C) if an individual is seeking unemployment benefits under the unemployment compensation law of any other state or of the United States, except that if the appropriate agency of such state or of the United States finally determines that the claimant is not entitled to unemployment benefits under such other law, this subparagraph shall not apply.

(2) (A) The waiting week requirement of paragraph (1) shall not apply to:

(i) New claims by claimants who become unemployed as a result of
an employer terminating business operations within this state, declaring
bankruptcy or initiating a work force reduction pursuant to public law 100-
379, the federal worker adjustment and retraining notification act, 29
U.S.C. §§ 2101 through 2109, as amended; or
(ii) new claims filed on or after April 5, 2020, through December 26,
2020 March 14, 2021, in accordance with the families first coronavirus
response act, public law 116-127 and the federal CARES act, public law
116-136.
(B) The secretary shall adopt rules and regulations to administer the
provisions of this paragraph.
(3) If the waiting week requirement of paragraph (1) applies, a
claimant shall become eligible to receive compensation for the waiting
period of one week, pursuant to paragraph (1), upon completion of three
weeks of unemployment consecutive to such waiting period. This
paragraph shall not apply to initial claims effective on and after April 1,
2021.
(e) For benefit years established on and after the effective date of this
act, the claimant has been paid total wages for insured work in the
claimant's base period of not less than 30 times the claimant's weekly
benefit amount and has been paid wages in more than one quarter of the
claimant's base period, except that the wage credits of an individual earned
during the period commencing with the end of a prior base period and
ending on the date that such individual filed a valid initial claim shall not
be available for benefit purposes in a subsequent benefit year unless, in
addition thereto, such individual has returned to work and subsequently
earned wages for insured work in an amount equal to at least eight times
the claimant's current weekly benefit amount.
(f) The claimant participates in reemployment services, such as job
search assistance services, if the individual has been determined to be
likely to exhaust regular benefits and needs reemployment services
pursuant to a profiling system established by the secretary, unless the
secretary determines that: (1) The individual has completed such services;
or (2) there is justifiable cause for the claimant's failure to participate in
such services.
(g) The claimant is returning to work after a qualifying injury and has
been paid total wages for insured work in the claimant's alternative base
period of not less than 30 times the claimant's weekly benefit amount and
has been paid wages in more than one quarter of the claimant's alternative
base period if:
(1) The claimant has filed for benefits within four weeks of being
released to return to work by a licensed and practicing health care
provider;
(2) the claimant files for benefits within 24 months of the date the
Sec. 3. K.S.A. 2020 Supp. 48-924 is hereby amended to read as follows: 48-924. (a) The governor shall be responsible for meeting the dangers to the state and people presented by disasters.

(b) (1) Subject to the provisions of K.S.A. 2020 Supp. 48-924b, and amendments thereto, the governor, upon finding that a disaster has occurred or that occurrence or the threat thereof is imminent, shall issue a proclamation declaring a state of disaster emergency.

(2) In addition to or instead of the proclamation authorized by K.S.A. 47-611, and amendments thereto, the governor, upon a finding or when notified pursuant to K.S.A. 47-611, and amendments thereto, that a quarantine or other regulations are necessary to prevent the spread among domestic animals of any contagious or infectious disease, may issue a proclamation declaring a state of disaster emergency. In addition to or instead of any actions pursuant to the provisions of K.S.A. 2-2114, and amendments thereto, the governor, upon a finding or when notified pursuant to K.S.A. 2-2112 et seq., and amendments thereto, that a quarantine or other regulations are necessary to prevent the spread among plants, raw agricultural commodities, animal feed or processed food of any contagious or infectious disease, may issue a proclamation declaring a state of disaster emergency.

(3) The state of disaster emergency so declared shall continue until the governor finds that the threat or danger of disaster has passed, or the disaster has been dealt with to the extent that emergency conditions no longer exist. Upon making such findings the governor shall terminate the state of disaster emergency by proclamation, but except as provided in paragraph (4), no state of disaster emergency may continue for longer than 15 days unless ratified by concurrent resolution of the legislature, with the single exception that upon specific application by the governor to the state finance council and an affirmative vote of a majority of the legislative members thereof, a state of disaster emergency may be extended once for a specified period not to exceed 30 days beyond such 15-day period.

(4) If the state of disaster emergency is proclaimed pursuant to paragraph (2), the governor shall terminate the state of disaster emergency by proclamation within 15 days, unless ratified by concurrent resolution of the legislature, except that when the legislature is not in session and upon specific application by the governor to the state finance council and an affirmative vote of a majority of the legislative members thereof, a state of disaster emergency may be extended for a specified period not to exceed 30 days. The state finance council may authorize additional extensions of
the state of disaster emergency by a unanimous vote of the legislative members thereof for specified periods not to exceed 30 days each. Such state of disaster emergency shall be terminated on the 15th day of the next regular legislative session following the initial date of the state of disaster emergency unless ratified by concurrent resolution of the legislature.

(5) The state of disaster emergency described in K.S.A. 2020 Supp. 48-924b, and amendments thereto, shall terminate on September 15, 2020, as provided in K.S.A. 2020 Supp. 48-924b, and amendments thereto, except that when the legislature is not in session or is adjourned during session for three or more days, and upon specific application by the governor to the state finance council and an affirmative vote of at least six of the legislative members of the council, this state of disaster emergency may be extended for specified periods not to exceed 30 days each. No such extension granted by the state finance council shall continue past January 26 June 1, 2021.

(6) At any time, the legislature by concurrent resolution may require the governor to terminate a state of disaster emergency. Upon such action by the legislature, the governor shall issue a proclamation terminating the state of disaster emergency.

(7) Any proclamation declaring or terminating a state of disaster emergency which is issued under this subsection shall indicate the nature of the disaster, the area or areas threatened or affected by the disaster and the conditions which have brought about, or which make possible the termination of, the state of disaster emergency. Each such proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent the same, each such proclamation shall be filed promptly with the division of emergency management, the office of the secretary of state and each city clerk or county clerk, as the case may be, in the area to which such proclamation applies.

(c) In the event of the absence of the governor from the state or the existence of any constitutional disability of the governor, an officer specified in K.S.A. 48-1204, and amendments thereto, in the order of succession provided by that section, may issue a proclamation declaring a state of disaster emergency in the manner provided in and subject to the provisions of subsection (a). During a state of disaster emergency declared pursuant to this subsection, such officer may exercise the powers conferred upon the governor by K.S.A. 48-925, and amendments thereto. If a preceding officer in the order of succession becomes able and available, the authority of the officer exercising such powers shall terminate and such powers shall be conferred upon the preceding officer. Upon the return of the governor to the state or the removal of any constitutional disability of the governor, the authority of an officer to exercise the powers conferred
by this section shall terminate immediately and the governor shall resume
the full powers of the office. Any state of disaster emergency and any
actions taken by an officer under this subsection shall continue and shall
have full force and effect as authorized by law unless modified or
terminated by the governor in the manner prescribed by law.

(d) A proclamation declaring a state of disaster emergency shall
activate the disaster response and recovery aspects of the state disaster
emergency plan and of any local and interjurisdictional disaster plans
applicable to the political subdivisions or areas affected by the
proclamation. Such proclamation shall be authority for the deployment and
use of any forces to which the plan or plans apply and for use or
distribution of any supplies, equipment, materials or facilities assembled,
stockpiled or arranged to be made available pursuant to this act during a
disaster.

(e) The governor, when advised pursuant to K.S.A. 74-2608, and
amendments thereto, that conditions indicative of drought exist, shall be
authorized to declare by proclamation that a state of drought exists. This
declaration of a state of drought can be for specific areas or communities,
can be statewide or for specific water sources and shall effect immediate
implementation of drought contingency plans contained in state approved
conservation plans, including those for state facilities.

Sec. 4. K.S.A. 2020 Supp. 48-924b is hereby amended to read as
follows: 48-924b. (a) The state of disaster emergency that was declared by
the governor pursuant to K.S.A. 48-924, and amendments thereto, as a
result of the COVID-19 health emergency, by proclamation on March 12,
2020, which was ratified and continued in force and effect through May 1,
2020, by 2020 House Concurrent Resolution No. 5025, adopted by the
house of representatives with the senate concurring therein on March 19,
2020, declared by proclamation on April 30, 2020, which was extended
and continued in existence by the state finance council on May 13, 2020,
for an additional 12 days through May 26, 2020, and declared by
proclamation on May 26, 2020, which was ratified and continued in
existence through September 15, 2020, by this section, extended and
continued in existence by the state finance council on September 11, 2020,
for an additional 30 days through October 15, 2020, extended and
continued in existence by the state finance council on October 7, 2020, for
an additional 30 days through November 15, 2020, extended and
continued in existence by the state finance council on November 13, 2020,
for an additional 30 days through December 15, 2020, extended and
continued in existence by the state finance council on December 11, 2020,
for an additional 26 days through January 10, 2021, and extended and
continued in existence by the state finance council on January 6, 2021, for
an additional 16 days through January 26, 2021, for all 105 counties of
Kansas, is hereby ratified and continued in existence from March 12, 2020, through March 5, 2021.

(b) The governor shall not proclaim any new state of disaster emergency related to the COVID-19 health emergency during 2020 or 2021, unless the governor makes specific application to the state finance council and an affirmative vote of at least six of the legislative members of the council approve such action by the governor.

Sec. 5. On and after January 26, 2021, K.S.A. 2019 Supp. 48-925, as amended by section 34 of chapter 1 of the 2020 Session Laws of Kansas, is hereby amended to read as follows: 48-925. (a) During any state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, the governor shall be commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement, embodied in appropriate executive orders or in rules and regulations of the adjutant general, but nothing herein shall restrict the authority of the governor to do so by orders issued at the time of a disaster.

(b) Under the provisions of this act and for the implementation thereof, the governor may issue orders and proclamations which shall exercise the powers conferred by subsection (c) that have the force and effect of law during the period of a state of disaster emergency declared under subsection (b) of K.S.A. 48-924(b), and amendments thereto, and which are as provided in K.S.A. 2020 Supp. 48-924b, and amendments thereto. Within 24 hours of the issuance of any such order, the governor shall call a meeting of the state finance council for the purposes of reviewing such order. Such orders and proclamations shall be null and void thereafter unless ratified by concurrent resolution of the legislature after the period of a state of disaster emergency has ended. Such orders and proclamations may be revoked at any time by concurrent resolution of the legislature.

(c) During a state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, and in addition to any other powers conferred upon the governor by law and subject to the provisions of subsection (d), (e) and (f), the governor may:

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

(2) utilize all available resources of the state government and of each political subdivision as reasonably necessary to cope with the disaster;
(3) transfer the supervision, personnel or functions of state
departments and agencies or units thereof for the purpose of performing or
facilitating emergency management activities;
(4) subject to any applicable requirements for compensation under
K.S.A. 48-933, and amendments thereto, commandeer or utilize any
private property if the governor finds such action necessary to cope with
the disaster;
(5) direct and compel the evacuation of all or part of the population
from any area of the state stricken or threatened by a disaster, if the
governor deems this action necessary for the preservation of life or other
disaster mitigation, response or recovery;
(6) prescribe routes, modes of transportation and destinations in
connection with such evacuation;
(7) control ingress and egress of persons and animals to and from a
disaster area, the movement of persons and animals within the area and the
occupancy by persons and animals of premises therein;
(8) suspend or limit the sale, dispensing or transportation of alcoholic
beverages, explosives and combustibles;
(9) make provision for the availability and use of temporary
emergency housing;
(10) require and direct the cooperation and assistance of state and
local governmental agencies and officials; and
(11) perform and exercise such other functions, powers and duties in
conformity with the constitution and the bill of rights of the state of
Kansas and with the statutes of the state of Kansas, except any regulatory
statute specifically suspended under the authority of subsection (c)(1), as
are necessary to promote and secure the safety and protection of the
civilian population.
(d) The governor shall not have the power or authority to
temporarily or permanently seize, or authorize seizure of, any ammunition
or to suspend or limit the sale, dispensing or transportation of firearms or
ammunition pursuant to subsection (c)(8) or any other executive authority.
(e) Notwithstanding any provision of this section to the contrary and
pursuant to the governor’s state of disaster emergency proclamation
issued on May 26, 2020, the governor shall not have the power or
authority to restrict businesses from operating or to restrict the movement
or gathering of individuals. The provisions of this subsection shall expire
on September 15, 2020.
(f) The governor shall not have the power under the provisions of the
Kansas emergency management act or the provisions of any other law to
alter or modify any provisions of the election laws of the state including,
but not limited to, the method by which elections are conducted or the
timing of such elections.
(g) The governor shall exercise the powers conferred by subsection (c) by issuance of orders under subsection (b). Each order issued pursuant to the authority granted by subsection (b) shall specify the provision or provisions of subsection (c) by specific reference to each paragraph of subsection (c) that confers the power under which the order was issued. The adjutant general, subject to the direction of the governor, shall administer such orders.

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

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

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

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

Sec. 6. On and after January 24, 2022, K.S.A. 2019 Supp. 48-925, as amended by section 34 of chapter 1 of the 2020 Special Session Laws of Kansas, as amended by section 5 of this act, is hereby amended to read as follows: 48-925. (a) During any state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, the governor shall be commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement, embodied in appropriate executive orders or in rules and regulations of the adjutant general, but nothing herein shall restrict the authority of the governor to do so by orders issued at the time of a disaster.

(b) Under the provisions of this act and for the implementation of this act thereof, the governor may issue orders to exercise the powers conferred by subsection (c) that and proclamations which shall have the force and effect of law during the period of a state of disaster emergency declared under subsection (b) of K.S.A. 48-924(b), and amendments thereto, or as provided in K.S.A. 2020 Supp. 48-924b, and amendments thereto. Within 24 hours of the issuance of any such order, the governor shall call a meeting of the state finance council for the purposes of reviewing such order. Such and which orders and proclamations shall be null and void after the period of a state of disaster emergency has ended thereafter unless ratified by concurrent resolution of the legislature. Such orders and proclamations may be revoked at any time by concurrent resolution of the
HB 2048—Am. by HC

legislature.

(c) During a state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, and in addition to any other powers conferred upon the governor by law and subject to the provisions of subsection (d), (e) and (f), the governor may:

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

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

(3) transfer the supervision, personnel or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency management activities;

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

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

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

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

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

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

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

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

(d) The governor shall not have the power or authority to temporarily or permanently seize, or authorize seizure of, any ammunition or to
suspend or limit the sale, dispensing or transportation of firearms or ammunition pursuant to subsection (e)(8) or any other executive authority.

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

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

(g) The governor shall exercise the powers conferred by subsection (c) by issuance of orders under subsection (b). Each order issued pursuant to the authority granted by subsection (b) shall specify the provisions of subsection (c) by specific reference to each paragraph of subsection (c) that confers the power under which the order was issued.

The adjutant general, subject to the direction of the governor, shall administer such orders.

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

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

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

(3) All other relevant findings to support the board’s decision.

Sec. 7. K.S.A. 2020 Supp. 48-925a is hereby amended to read as follows: 48-925a. (a) On and after September 15, 2020, During any state of disaster emergency related to the COVID-19 public health emergency declared pursuant to K.S.A. 48-924, and amendments thereto, the governor may not issue an order the closure or cessation of any that substantially burdens or inhibits the gathering or movement of individuals or operation of any religious, civic, the closure or cessation of any business or commercial activity, whether for-profit or not-for-profit, for more than 15 days. At least 24 hours prior to the issuance of such order, the governor shall call a meeting of the state finance council for the purpose of consulting with the council regarding the conditions necessitating the-
issuance of such order. After such initial order or orders providing for the
closure or cessation of any business or commercial activity have resulted
in 15 days of such closures or cessation of business or commercial activity,
the governor may not order the closure or cessation of business or
commercial activity, except upon specific application by the governor to
the state finance council and an affirmative vote of at least six of the
legislative members of the council, the governor may order the closure or
cessation of business or commercial activity as approved by the council for
specified periods not to exceed 30 days each and may not issue an order
that prevents the movement or gathering of individuals.

(b) Any order issued that violates or exceeds the restrictions provided
in subsection (a) shall not have the force and effect of law during the
period of a state of disaster emergency declared under K.S.A. 48-924(b),
and amendments thereto, and any such order shall be null and void.

(c) The provisions of this section shall expire on January 26 June 1,
2021.

Sec. 8. K.S.A. 2020 Supp. 48-963 is hereby amended to read as
follows: 48-963. (a) A physician may issue a prescription for or order the
administration of medication, including a controlled substance, for a
patient without conducting an in-person examination of such patient.

(b) A physician under quarantine, including self-imposed quarantine,
may practice telemedicine.

(c) (1) A physician holding a license issued by the applicable
licensing agency of another state may practice telemedicine to treat
patients located in the state of Kansas, if such out-of-state physician:

(A) Advises the state board of healing arts of such practice in writing
and in a manner determined by the state board of healing arts; and

(B) holds an unrestricted license to practice medicine and surgery in
the other state and is not the subject of any investigation or disciplinary
action by the applicable licensing agency.

(2) The state board of healing arts may extend the provisions of this
subsection to other healthcare professionals licensed and regulated by the
board as deemed necessary by the board to address the impacts of COVID-
19 and consistent with ensuring patient safety.

(d) A physician practicing telemedicine in accordance with this
section shall conduct an appropriate assessment and evaluation of the
patient's current condition and document the appropriate medical
indication for any prescription issued.

(e) Nothing in this section shall supersede or otherwise affect the
provisions of K.S.A. 65-4a10, and amendments thereto, or K.S.A. 2020

(f) As used in this section:

(1) "Physician" means a person licensed to practice medicine and
"Telemedicine" means the delivery of healthcare services by a healthcare provider while the patient is at a different physical location.

This section shall expire on January 26, December 31, 2021.

Sec. 9. K.S.A. 2020 Supp. 48-965 is hereby amended to read as follows: 48-965. (a) Notwithstanding any statute to the contrary, the state board of healing arts may grant a temporary emergency license to practice any profession licensed, certified, registered or regulated by the board to an applicant with qualifications the board deems sufficient to protect public safety and welfare within the scope of professional practice authorized by the temporary emergency license for the purpose of preparing for, responding to or mitigating any effect of COVID-19.

(b) Notwithstanding any statute to the contrary, an applicant may practice in Kansas pursuant to a temporary emergency license upon submission of a non-resident healthcare provider certification form to the Kansas healthcare stabilization fund and without paying the surcharge required by K.S.A. 40-3404, and amendments thereto.

(c) This section shall expire on January 26, December 31, 2021.

Sec. 10. K.S.A. 2020 Supp. 48-966 is hereby amended to read as follows: 48-966. (a) Notwithstanding the provisions of K.S.A. 65-28a08 and 65-28a09, and amendments thereto, or any other statute to the contrary, a licensed physician assistant may provide healthcare services appropriate to such physician assistant's education, training and experience within a designated healthcare facility at which the physician assistant is employed or contracted to work as necessary to support the facility's response to the COVID-19 pandemic without a written agreement with a supervising physician. Such physician assistant shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such physician assistant's lack of written agreement with a supervising physician.

(b) Notwithstanding the provisions of K.S.A. 65-1130, and amendments thereto, or any other statute to the contrary, a licensed advanced practice registered nurse may provide healthcare services appropriate to such advanced practice registered nurse's education, training and experience within a designated healthcare facility at which the advanced practice registered nurse is employed or contracted to work as necessary to support the facility's response to the COVID-19 pandemic without direction and supervision from a responsible physician. Such advanced practice registered nurse shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such advanced practice registered nurse's lack of direction and supervision from a responsible physician.

(c) Notwithstanding the provisions of K.S.A. 65-1158, and
amendments thereto, or any other statute to the contrary, a registered nurse anesthetist may provide healthcare services appropriate to such registered nurse anesthetist's education, training and experience within a designated healthcare facility at which the registered nurse anesthetist is employed or contracted to work as necessary to support the facility's response to the COVID-19 pandemic without direction and supervision from a physician. Such registered nurse anesthetist shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such registered nurse anesthetist's lack of direction and supervision from a physician.

(d) Notwithstanding the provisions of K.S.A. 65-1113, and amendments thereto, or any other statute to the contrary:

(1) A registered professional nurse or licensed practical nurse may order the collection of throat or nasopharyngeal swab specimens from individuals suspected of being infected by COVID-19 for purposes of testing; and

(2) a licensed practical nurse may provide healthcare services appropriate to such licensed practical nurse's education, training and experience within a designated healthcare facility at which the licensed practical nurse is employed or contracted to work as necessary to support the facility's response to the COVID-19 pandemic without direction from a registered professional nurse. Such licensed practical nurse shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such licensed practical nurse's lack of supervision from a registered professional nurse.

(e) Notwithstanding the provisions of K.S.A. 65-1626a, and amendments thereto, or any other statute to the contrary, a licensed pharmacist may provide care for routine health maintenance, chronic disease states or similar conditions appropriate to such pharmacist's education, training and experience within a designated healthcare facility at which the pharmacist is employed or contracted to work as necessary to support the facility's response to the COVID-19 pandemic without a collaborative practice agreement with a physician. Such pharmacist shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such pharmacist's lack of collaborative practice agreement with a physician.

(f) Notwithstanding the provisions of K.S.A. 65-1115, 65-1116 and 65-1117, and amendments thereto, or any other statute to the contrary, a registered professional nurse or licensed practical nurse who holds a license that is exempt or inactive or whose license has lapsed within the past five years from the effective date of this act may provide healthcare services appropriate to the nurse's education, training and experience. Such registered professional nurse or licensed practical nurse shall not be liable
in any criminal prosecution, civil action or administrative proceeding arising out of such nurse's exempt, inactive or lapsed license.

(g) Notwithstanding any other provision of law to the contrary, a designated healthcare facility may, as necessary to support the facility's response to the COVID-19 pandemic:

(1) Allow a student who is enrolled in a program to become a licensed, registered or certified healthcare professional to volunteer for work within such facility in roles that are appropriate to such student's education, training and experience;

(2) allow a licensed, registered or certified healthcare professional or emergency medical personnel who is serving in the military in any duty status to volunteer or work within such facility in roles that are appropriate to such military service member's education, training and experience; and

(3) allow a medical student, physical therapist or emergency medical services provider to volunteer or work within such facility as a respiratory therapist extender under the supervision of a physician, respiratory therapist or advanced practice registered nurse. Such respiratory therapist extender may assist respiratory therapists and other healthcare professionals in the operation of ventilators and related devices and may provide other healthcare services appropriate to such respiratory therapist extender's education, training and experience, as determined by the facility in consultation with such facility's medical leadership.

(h) Notwithstanding any statute to the contrary, a healthcare professional licensed and in good standing in another state may practice such profession in the state of Kansas. For purposes of this subsection, a license that has been suspended or revoked or a licensee that is subject to pending license-related disciplinary action shall not be considered to be in good standing. Any license that is subject to limitation in another state shall be subject to the same limitation in the state of Kansas. Such healthcare professional shall not be liable in any criminal prosecution, civil action or administrative proceeding arising out of such healthcare professional's lack of licensure in the state of Kansas.

(i) Notwithstanding any statute to the contrary, a designated healthcare facility may use a qualified volunteer or qualified personnel affiliated with any other designated healthcare facility as if such volunteer or personnel was affiliated with the facility using such volunteer or personnel, subject to any terms and conditions established by the secretary of health and environment.

(‡) Notwithstanding any statute to the contrary, a healthcare professional may be licensed, certified or registered or may have such license, certification or registration reinstated within five years of lapse or renewed by the applicable licensing agency of the state of Kansas without satisfying the following conditions of licensure, certification or
registration:

(1) An examination, if such examination's administration has been canceled while the state of disaster emergency proclamation issued by the governor in response to the COVID-19 pandemic is in effect;

(2) fingerprinting;

(3) continuing education; and

(4) payment of a fee.

(j) Notwithstanding any statute to the contrary, a professional certification in basic life support, advanced cardiac life support or first aid shall remain valid if such professional certification is due to expire or be canceled while the state of disaster emergency proclamation issued by the governor in response to the COVID-19 pandemic is in effect.

(k) Notwithstanding any statute to the contrary, fingerprinting of any individual shall not be required as a condition of licensure and certification for any hospital, as defined in K.S.A. 65-425, and amendments thereto, adult care home, county medical care facility or psychiatric hospital.

(l) As used in this section:

(1) "Appropriate to such professional's education, training and experience," or words of like effect, shall be determined by the designated healthcare facility in consultation with such facility's medical leadership; and

(2) "designated healthcare facility" means:

(A) Entities listed in K.S.A. 40-3401(f), and amendments thereto;

(B) state-owned surgical centers;

(C) state-operated hospitals and veterans facilities;

(D) entities used as surge capacity by any entity described in subparagraphs (A) through (C);

(E) adult care homes; and

(F) any other location specifically designated by the governor or the secretary of health and environment to exclusively treat patients for COVID-19.

(m) The provisions of this section shall expire on December 31, 2021.

Sec. 11. K.S.A. 2020 Supp. 60-5504 is hereby amended to read as follows: 60-5504. (a) Notwithstanding any other provision of law, a person, or an agent of such person, conducting business in this state shall be immune from liability in a civil action for a COVID-19 claim if such person was acting pursuant to and in substantial compliance with public health directives applicable to the activity giving rise to the cause of action when the cause of action accrued.

(b) The provisions of this section shall expire on December 31, 2021.
Sec. 12. K.S.A. 2020 Supp. 41-2653, 44-705, 48-924, 48-924b, 48-925a, 48-963, 48-965, 48-966 and 60-5504 are hereby repealed.


Sec. 14. On and after June 1, 2021 January 24, 2022, K.S.A. 2019 Supp. 48-925, as amended by section 34 of chapter 1 of the 2020 Special Session Laws of Kansas, as amended by section 5 of this act, is hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its publication in the Kansas register.