

## **COVID-19; Extension of State of Disaster Emergency; Extension of Related Provisions; Closure or Cessation of Business Activity; SB 14**

**SB 14** amends law regarding the governmental response to the COVID-19 pandemic in Kansas. The bill became effective upon publication in Issue 3A of the *Kansas Register* on January 25, 2021.

### ***Ratification and Extension of State of Disaster Emergency***

The bill amends the statute ratifying and continuing the COVID-19-related state of disaster emergency declared by the Governor on March 12, 2020, to reflect the September 15, 2020, ratification and continuation of the state of disaster emergency by 2020 Special Session HB 2016 and subsequent extensions and continuations by the State Finance Council, and ratifies and continues in existence the state of disaster emergency through March 31, 2021. The bill also amends this statute to extend from 2020 through 2021 a provision prohibiting the Governor from proclaiming any new state of disaster emergency related to the COVID-19 health emergency without approval by at least six legislative members of the State Finance Council.

### ***Extension of Provisions***

The bill amends statutory provisions regarding the following to extend their expiration from January 26, 2021, until March 31, 2021:

- Removal of alcohol from premises of a licensed club or drinking establishment;
- In the section of the Kansas Emergency Management Act (KEMA) governing declaration of a state of disaster emergency, provisions regarding extension of the COVID-19 state of disaster emergency when the Legislature is not in session by application of the Governor to the State Finance Council. This section is also amended to permit this procedure when the Legislature is adjourned during session for three or more days;
- In the section of KEMA governing powers of the Governor during a state of disaster emergency, extending provisions regarding the powers of the Governor and boards of county commissioners enacted in 2020 Special Session HB 2016. [Note: This section appears to make substantive amendments to the statute. However, these apparent substantive amendments reflect current statutory language as of the date of enactment of SB 14 and appear as amendments only to continue the then-effective language beyond the original January 26, 2021, expiration date.] Effective March 31, 2021, the bill returns this section to the version effective before enactment of 2020 Special Session HB 2016, removing the amendments made by 2020 Special Session HB 2016 and this bill;
- Telemedicine;
- Temporary emergency licensure by the State Board of Healing Arts;

- Temporary licensure measures for additional health care providers and provision of certain health care services; and
- Business immunity from liability for a COVID-19 claim.

### ***Closure or Cessation of Business Activity***

The bill amends the KEMA statute limiting the Governor's closure or cessation of business activity.

Under previous law, this statute prohibited the Governor from ordering, during any state of disaster emergency, the closure or cessation of any for-profit or nonprofit business or commercial activity for more than 15 days, required the Governor to consult with the State Finance Council prior to issuing such an order, and required approval of six legislative members of the State Finance Council for additional closure or cessation beyond 15 days. The bill amends these provisions to instead prohibit the Governor, during any state of disaster emergency related to COVID-19, from issuing an order that substantially burdens or inhibits the gathering or movement of individuals or operation of any religious, civic, business, or commercial activity, whether for-profit or not-for-profit.

The expiration date of this statute is also extended from January 26, 2021, until March 31, 2021.