

**SENATE BILL No. 489**

By Committee on Public Health and Welfare

2-10

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1 AN ACT concerning infectious or contagious diseases; relating to the  
2 secretary of health and environment and local health officers;  
3 restricting the powers thereof; amending K.S.A. 65-119, 65-128 and  
4 65-129b and K.S.A. 2021 Supp. 65-101 and 65-202 and repealing the  
5 existing sections; also repealing K.S.A. 65-126.  
6

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

8 Section 1. K.S.A. 2021 Supp. 65-101 is hereby amended to read as  
9 follows: 65-101. (a) The secretary of health and environment shall exercise  
10 general supervision of the health of the people of the state and may:

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

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

19 (3) advise other offices and agencies of government concerning  
20 location, drainage, water supply, disposal of excreta and heating and  
21 ventilation of public buildings;

22 (4) make sanitary inspection and survey of such places and localities  
23 as the secretary deems advisable; *and*

24 ~~(5) take action to prevent the introduction of infectious or contagious~~  
25 ~~disease into this state and to prevent the spread of infectious or contagious~~  
26 ~~disease within this state;~~

27 ~~(6)~~ provide public health outreach services to the people of the state  
28 including educational and other activities designed to increase the  
29 individual's awareness and appropriate use of public and other preventive  
30 health services.

31 (b) the secretary of health and environment may adopt rules and  
32 regulations necessary to carry out the provisions of subsection (a). In  
33 addition to other remedies provided by law, the secretary is authorized to  
34 apply to the district court, and such court shall have jurisdiction upon a

1 hearing and for cause shown to grant a temporary or permanent injunction  
2 to compel compliance with such rules and regulations.

3 (c) In the event of a state of disaster emergency declared by the  
4 governor pursuant to K.S.A. 48-924, and amendments thereto, or a state of  
5 local disaster emergency declared pursuant to K.S.A. 48-932, and  
6 amendments thereto, the legislature may revoke an order issued by the  
7 secretary to take action related to such disaster emergency as provided in  
8 this subsection. Such order may be revoked at any time by concurrent  
9 resolution of the legislature or, when the legislature is not in session or is  
10 adjourned during session for three or more days, such order may be  
11 revoked by the legislative coordinating council with the affirmative vote of  
12 five members thereof.

13 Sec. 2. K.S.A. 65-119 is hereby amended to read as follows: 65-119.

14 (a) Any county or joint board of health or local health officer having  
15 knowledge of any infectious or contagious disease, or of a death from such  
16 disease, within their jurisdiction, shall immediately exercise and maintain  
17 a supervision over such case or cases during their continuance, seeing that  
18 all such cases are properly cared for and that the provisions of this act ~~as~~  
19 *pertaining* to isolation, restriction of communication, quarantine and  
20 disinfection are duly enforced. The county or joint board of health or local  
21 health officer shall communicate without delay all information ~~as~~  
22 *pertaining* to existing conditions to the secretary of health and  
23 environment. The local health officer shall confer personally, if  
24 practicable, otherwise by letter, with the person in attendance upon the  
25 case, as to its future management and control. ~~The county or joint board of~~  
26 ~~health or local health officer is hereby empowered and authorized to~~  
27 ~~prohibit public gatherings when necessary for the control of any and all~~  
28 ~~infectious or contagious disease.~~

29 (b) Any disclosure or communication of information relating to  
30 infectious or contagious diseases required to be disclosed or  
31 communicated under subsection (a) ~~of this section~~ shall be confidential  
32 and shall not be disclosed or made public beyond the requirements of  
33 subsection (a) ~~of this section~~ or subsection (a) of K.S.A. 65-118(a), and  
34 *amendments thereto*, except as otherwise permitted by subsection (c) of  
35 K.S.A. 65-118(c), and *amendments thereto*.

36 Sec. 3. K.S.A. 65-128 is hereby amended to read as follows: 65-128.

37 (a) For the protection of the public health and for the control of infectious  
38 or contagious diseases, the secretary of health and environment ~~by rules~~  
39 ~~and regulations shall designate~~ *submit a report of* such diseases ~~as that~~ are  
40 infectious or contagious in their nature *to the speaker of the house of*  
41 *representatives and the president of the senate*.

42 (b) The secretary of health and environment is authorized to issue  
43 ~~such~~ orders and adopt rules and regulations as may be medically necessary

1 and reasonable to prevent the spread and dissemination of diseases  
 2 injurious to the public health, including, but not limited to, providing for  
 3 the testing for such diseases ~~and the isolation and quarantine of persons~~  
 4 ~~afflicted with or exposed to such diseases.~~

5 ~~(c) No later than January 1, 2014, The secretary shall develop and~~  
 6 ~~adopt rules and regulations~~ *present a report to the speaker of the house of*  
 7 *representatives and the president of the senate at the beginning of each*  
 8 *regular session of the legislature providing recommendations for*  
 9 *legislation concerning actions to prevent the introduction and spread of*  
 10 *infectious or contagious disease within this state and the protection of*  
 11 *individuals who provide medical or nursing services, clinical or forensic*  
 12 *laboratory services, emergency medical services and firefighting, law*  
 13 *enforcement and correctional services, or who provide any other service,*  
 14 *or individuals who receive any such services or are in any other*  
 15 *employment where the individual may encounter occupational exposure to*  
 16 *blood and other potentially infectious materials.*

17 Sec. 4. K.S.A. 65-129b is hereby amended to read as follows: 65-  
 18 129b. (a) Notwithstanding the provisions of K.S.A. 65-119, 65-122, 65-  
 19 123, 65-126 and 65-128, and amendments thereto, and any rules or  
 20 regulations adopted thereunder, in investigating actual or potential  
 21 exposures to an infectious or contagious disease that is potentially life-  
 22 threatening, the local health officer ~~or the secretary~~:

23 ~~(1)-(A)~~ ~~May issue an order requiring~~ **recommend** an individual ~~who~~  
 24 ~~whom~~ the local health officer ~~or the secretary~~ has reason to believe has  
 25 been exposed to an infectious or contagious disease to seek appropriate  
 26 and necessary evaluation and treatment;

27 ~~(B)~~(2) when the local health officer ~~or the secretary~~ determines that it  
 28 is medically necessary and reasonable to prevent or reduce the spread of  
 29 the disease or outbreak believed to have been caused by the exposure to an  
 30 infectious or contagious disease, ~~may order~~ **recommend** an individual or  
 31 group of individuals to go to and remain in places of isolation or  
 32 quarantine until the local health officer ~~or the secretary~~ determines that the  
 33 individual no longer poses a substantial risk of transmitting the disease or  
 34 condition to the public;

35 ~~(C)~~(3) if a competent individual ~~of~~ *who is* 18 years of age or older or  
 36 an emancipated minor refuses vaccination, medical examination, treatment  
 37 or testing under this section, ~~may require~~ **recommend** the individual to go  
 38 to and remain in a place of isolation or quarantine until the local health  
 39 officer ~~or the secretary~~ determines that the individual no longer poses a  
 40 substantial risk of transmitting the disease or condition to the public; and

41 ~~(D)~~(4) if, on behalf of a minor child or ward, a parent or guardian  
 42 refuses vaccination, medical examination, treatment or testing under this  
 43 section, ~~may require~~ **recommend** the minor child or ward to go to and

1 remain in a place of isolation or quarantine and ~~must~~ *shall* allow the parent  
2 or guardian to accompany the minor child or ward until the local health  
3 officer ~~or the secretary~~ determines that the minor child or ward no longer  
4 poses a substantial risk of transmitting the disease or condition to the  
5 public; ~~and~~

6 ~~(2) may order any sheriff, deputy sheriff or other law enforcement~~  
7 ~~officer of the state or any subdivision to assist in the execution or~~  
8 ~~enforcement of any order issued under this section.~~

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

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

31 *(c)* The local health officer shall upon the opening of the fall term of  
32 school, make a sanitary inspection of each school building and grounds,  
33 and shall make such additional inspections as are necessary to protect the  
34 public health of the students of the school.

35 ~~(e)~~*(d)* (1) Such officer shall make an investigation of each case of  
36 smallpox, diphtheria, typhoid fever, scarlet fever, acute anterior  
37 poliomyelitis (infantile paralysis), epidemic cerebro-spinal meningitis and  
38 such other acute infectious, contagious or communicable diseases as may  
39 be required, and shall use all ~~known~~ ***medically necessary and***  
40 ***reasonable*** measures to prevent the spread of any such infectious,  
41 contagious or communicable disease, and shall perform such other duties  
42 as this act, the county or joint board; ~~or board of health or the secretary of~~  
43 ~~health and environment~~ may require.

1 (2) Any order issued by the local health officer, including orders  
2 issued as a result of an executive order of the governor, on behalf of a  
3 county regarding the remediation of any infectious disease may be  
4 reviewed, amended or revoked by the board of county commissioners of  
5 any county affected by such order in the manner provided by K.S.A. 65-  
6 201(b), and amendments thereto.

7 (e) Such officer shall receive compensation as set by the board and,  
8 with the approval of the board of health, may employ a skilled professional  
9 nurse and other additional personnel whenever deemed necessary for the  
10 protection of the public health.

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

18 Sec. 6. K.S.A. 65-119, 65-126, 65-128 and 65-129b and K.S.A. 2021  
19 Supp. 65-101 and 65-202 are hereby repealed.

20 Sec. 7. This act shall take effect and be in force from and after its  
21 publication in the statute book.