AN ACT concerning public health; relating to infectious or contagious
diseases; changing the authority of the secretary of health and
environment and local health officers; naming the constitutional right to
health freedom act; revoking the authority of the secretary to order
individuals to isolate or quarantine and impose penalties for violations
and 65-129d and K.S.A. 2023 Supp. 65-101, 65-202 and 72-5180 and
repealing the existing sections; also repealing K.S.A. 65-126, 65-127,
65-129 and 65-129c.

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

Sec. 1. The amendments made to K.S.A. 65-101, 65-202, 65-
116g, 65-118, 65-119, 65-128, 65-129b and 65-129d by this act shall be
known as the constitutional right to health freedom act.

Sec. 2. K.S.A. 2023 Supp. 65-101 is hereby amended to read as
follows: 65-101. (a) The secretary of health and environment shall exercise
general supervision of the health of the people of the state and may:

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

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

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

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

(5) take action—recommend ways to prevent the introduction of
infectious or contagious disease into this state and to prevent the spread of
infectious or contagious disease within this state; and

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

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

(c) The secretary of health and environment shall not carry out the provisions of subsection (a) or (b) in a manner that conflicts with any other statute or otherwise expands the authority of the secretary.

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

Sec. 3. K.S.A. 65-116g is hereby amended to read as follows: 65-116g. (a) It shall be unlawful for any person who violates:

(1) Violate any provision of this act, K.S.A. 65-116a through K.S.A. 65-116m, and amendments thereto, relating to tuberculosis or any associated rules or regulations of the secretary of health and environment for the enforcement of this act, or K.S.A. 65-116a through K.S.A. 65-116m, and amendments thereto;

(2) violates any of the rules or regulations of any institution while a patient therein; or

(3) conducts himself in a disorderly manner, shall be guilty of conduct, as described in K.S.A. 21-6203, and amendments thereto.

(b) Violation of this section is a class C nonperson misdemeanor.

Sec. 4. K.S.A. 65-118 is hereby amended to read as follows: 65-118. (a) Whenever any person licensed to practice the healing arts or engaged in a postgraduate training program approved by the state board of healing arts, licensed dentist, licensed professional nurse, licensed practical nurse, administrator of a hospital, licensed adult care home administrator; or licensed physician assistant, licensed social worker, teacher or school administrator knows or has information indicating that a person is suffering from or has died from a reportable infectious or contagious disease as defined in rules and regulations, such knowledge or information shall be reported immediately to the county or joint board of health or the local health officer, together with the name and address of the person who
has or is suspected of having the infectious or contagious disease, or the
name and former address of the deceased individual who had or was
suspected of having such a disease. In the case of a licensed hospital or
adult care home, the administrator may designate an individual to receive
and make such reports. The secretary of health and environment shall,
through rules and regulations, make provision for the consolidation of
reports required to be made under this section when the person required to
make the report is working in a licensed hospital or adult care home.
Laboratories certified under the federal clinical laboratories improvement
act pursuant to 42 code of federal regulations, C.F.R. part 493 shall report
the results of microbiologic cultures, examinations, and immunologic
essays for the presence of antigens and antibodies and any other laboratory
tests which are indicative of the presence of a reportable infectious or
contagious disease to the department of health and environment. The
director of the division of public health may use information from death
certificates for disease investigation purposes.

(b) Any person who is an individual member of a class of persons
designated under subsection (a) of this section and who reports the
information required to be reported under such subsection in good faith
and without malice to a county or joint board of health, a local health
officer or the department of health and environment shall have immunity
from any liability, civil or criminal, that might otherwise be incurred or
imposed in an action resulting from such report. Any such person shall
have the same immunity with respect to participation in any judicial
proceeding resulting from such report.

(c) Information required to be reported under subsection (a) of this
section shall be confidential and shall not be disclosed or made public,
upon subpoena or otherwise, beyond the requirements of subsection (a) of
this section or subsection (a) of K.S.A. 65-119(a), and amendments
thereto, except such information may be disclosed:

(1) If no person can be identified in the information to be disclosed
and the disclosure is for statistical purposes;

(2) if all persons who are identifiable in the information to be
disclosed consent in writing to its disclosure;

(3) if the disclosure is necessary, and only to the extent necessary, to
protect the public health;

(4) if a medical emergency exists and the disclosure is to medical
personnel qualified to treat infectious or contagious diseases. Any
information disclosed pursuant to this paragraph shall be disclosed only to
the extent necessary to protect the health or life of a named party; or

(5) if the information to be disclosed is required in a court proceeding
involving child abuse and the information is disclosed in camera.

Sec. 5. K.S.A. 65-119 is hereby amended to read as follows: 65-119.
(a) Any county or joint board of health or local health officer having knowledge of any infectious or contagious disease, or of a death from such disease, within their jurisdiction, shall immediately exercise and maintain a supervision over such case or cases during their continuance, seeing that all such cases are properly cared for and that the provisions of this act as pertaining to isolation, restriction of communication, quarantine and disinfection are duly enforced. The county or joint board of health or local health officer shall communicate without delay all information as pertaining to existing conditions to the secretary of health and environment. The local health officer shall confer personally, if practicable, otherwise by letter, with the person in attendance upon the case, as to its future management and control. The county or joint board of health or local health officer is hereby empowered and authorized to prohibit may recommend against public gatherings when necessary for the control of any and all infectious or contagious disease.

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

Sec. 6. K.S.A. 65-128 is hereby amended to read as follows: 65-128.

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

(b) The secretary of health and environment is authorized to issue such orders and adopt rules and regulations as may be medically necessary and reasonable recommend ways to prevent the spread and dissemination of diseases injurious to the public health, including, but not limited to, providing for the testing for such diseases and may recommend the isolation and quarantine of persons afflicted with or exposed to such diseases.

(c) No later than January 1, 2014. The secretary shall develop and adopt rules and regulations providing for make recommendations for preventing the introduction and spread of infectious or contagious disease within this state and the protection of individuals who provide medical or nursing services, clinical or forensic laboratory services, emergency medical services and firefighting, law enforcement and correctional services, or who provide any other service, or individuals who receive any such services or are in any other employment where the individual may
encounter occupational exposure to blood and other potentially infectious materials.

Sec. 7. K.S.A. 65-129b is hereby amended to read as follows: 65-129b. (a) Notwithstanding the provisions of K.S.A. 65-119, 65-122, 65-123, 65-126 and 65-128, and amendments thereto, and any rules or regulations adopted thereunder, in investigating actual or potential exposures to an infectious or contagious disease that is potentially life-threatening, the local health officer or the secretary:

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

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

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

(D) if, on behalf of a minor child or ward, a parent or guardian refuses vaccination, medical examination, treatment or testing under this section, may require recommend the minor child or ward to go to and remain in a place of isolation or quarantine and must allow the parent or guardian to accompany the minor child or ward until the local health officer or the secretary determines that the minor child or ward no longer poses a substantial risk of transmitting the disease or condition to the public; and

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

Sec. 8. K.S.A. 65-129d is hereby amended to read as follows: 65-129d. It shall be unlawful for any public or private employer to discharge an employee solely because the employee or an immediate family member of the employee is under an order of following an isolation or quarantine recommendation from a local health officer or solely because of such employee's vaccination status. The violation of this
section is punishable as a violation of K.S.A. 65-129, and amendments thereto In an action against an employer for a violation of this section, the court shall award a prevailing plaintiff the actual damages such person sustained, costs and reasonable attorney fees.

Sec. 9. K.S.A. 2023 Supp. 65-202 is hereby amended to read as follows: 65-202. (a) The local health officer in each county throughout the state, immediately after such officer's appointment, shall:

(1) Take the same oath of office prescribed by law for the county officers, shall;

(2) give bond of $500 conditioned for the faithful performance of the officer's duties, shall;

(3) keep an accurate record of all the transactions of such office,

shall;

(4) turn over to the successor in office or to the county or joint board of health selecting such officer, on the expiration of such officer's term of office, all records, documents and other articles belonging to the office; and shall

(5) faithfully account to the board of county commissioners and to the county and state for all moneys coming into the office. Such officer shall notify the secretary of health and environment of such officer's appointment and qualification, and provide the secretary with such officer's contact information.

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

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

(d) (1) Such officer shall make an investigation of each case of smallpox, diphtheria, typhoid fever, scarlet fever, acute anterior poliomyelitis (infantile paralysis), epidemic cerebro-spinal meningitis and such other acute infectious, contagious or communicable diseases as may be required, and shall use all-known medically necessary and reasonable measures to prevent the spread of any such infectious, contagious or communicable disease, and shall perform such other duties as this act, the county or joint board; or board of health or the secretary of health and environment may require.
(2) Any order issued by the local health officer, including Orders issued as a result of an executive order of the governor, on behalf of a county regarding the remediation of any infectious disease may be reviewed, amended or revoked by the board of county commissioners of any county affected by such order in the manner provided by K.S.A. 65-201(b), and amendments thereto.

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

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

Sec. 10. K.S.A. 2023 Supp. 72-5180 is hereby amended to read as follows: 72-5180. (a) Commencing in the 2021-2022 school year, except as otherwise provided in this section, no school district shall provide or offer to any student enrolled in the district more than a total of 40 school term hours of remote learning unless:

(1) The board of education of the school district has authorized a student to temporarily attend school through remote learning in excess of the 40-hour limitation pursuant to a temporary individual exemption granted pursuant to subsection (b); or

(2) due to a disaster, the state board of education has authorized the school district to conduct remote learning in excess of the 40-hour limitation pursuant to subsection (c) or has waived the limitations provided in subsection (d).

(b) The board of education of a school district may temporarily suspend the remote learning limitation provided in subsection (a) on an individual student basis for any student who cannot reasonably attend school in person due to an illness, medical condition, injury or any other extraordinary circumstance that would necessitate remote learning to allow the student to continue to receive an education during the existence of such circumstance. The board of education of the school district shall notify the state board of any individual exemptions provided pursuant to this subsection and the reason for such exemption.

(c) The state board of education may authorize a school district to exceed the 40-hour remote learning limitation upon application by the school district. The application may be granted by the state board of education upon:
(1) Certification by a school district that, due to a disaster, conditions resulting from widespread or severe property damage caused by the disaster or other conditions restricting the operation of public schools will exist in the school district for an inordinate period of time; and

(2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with the requirements of this section unless remote learning is conducted for a period of time not to exceed 240 school term hours, unless such limitation is waived by the state board pursuant to subsection (d).

(d) The state board of education may waive the requirements of law relating to the remote learning limitations pursuant to subsection (c) in any school year upon application for such waiver by a school district. The waiver may be granted by the state board of education upon:

(1) Certification by a board of education that, due to a disaster, conditions resulting from widespread or severe property damage caused by the disaster or other conditions restricting the operation of public schools will exist in the school district for an inordinate period of time; and

(2) a determination by the state board that the school district cannot reasonably adjust its schedule to comply with such requirements of law and that remote learning beyond the limitations provided in subsection (c) is necessary to allow the school district to continue to provide education to students during such conditions.

(e) (1) Any student who attends a school of a school district through remote learning in excess of the remote learning limitations provided pursuant to this section shall be deemed a remote learning student and shall be counted as a remotely enrolled student for state aid purposes.

(2) On or before June 30 of each school year:

(A) A school district that offers remote learning during the school year shall determine the remote enrollment of the district based on the number of students remotely enrolled in accordance with this section;

(B) the clerk or superintendent of each school district shall certify under oath to the state board a report showing the remote enrollment of the school district determined pursuant to this subsection by the grades maintained in the schools of the school district. The state board shall examine such reports upon receipt, and if the state board finds any errors in any such report, the state board shall consult with the school district officer furnishing the report and make any necessary corrections in the report; and

(C) the state board shall determine the number of students who were included in the remote enrollment of each school district and recompute the enrollment of the school district as required pursuant to this subsection.

(3) A school district that offers remote learning and is determined to have remotely enrolled students pursuant to this section shall receive
remote enrollment state aid. The state board shall determine the amount of
remote enrollment state aid a school district is to receive by multiplying
the remote enrollment of the school district by $5,000. No remote
enrollment state aid shall be provided for any student who participates in
remote learning on a part-time basis during the school day.

(4) The state board shall notify each school district of the amount of
remote enrollment state aid the district shall receive pursuant to this
section and, pursuant to K.S.A. 72-5136, and amendments thereto, shall:

(A) Require the district to remit any such amount of overpayment
made to the district in the current school year; or
(B) deduct the excess amounts paid to the district from future
payments made to the school district.

(5) If a student is included in the remote enrollment of a district
pursuant to this subsection, such student shall not be included in the
adjusted enrollment of the district in the current school year.

(f) Each school district that determines remote enrollment pursuant to
this section shall submit any documentation or information required by the
state board.

(g) As used in this section, "disaster" means a state of disaster
emergency declared by proclamation of the governor pursuant to K.S.A.
48-924, and amendments thereto, closure of schools by order issued by a
county or joint board of health, a local health officer pursuant to K.S.A.
65-119, and amendments thereto, or the secretary of health and
environment pursuant to K.S.A. 65-126, and amendments thereto, or
occurrence of widespread or severe damage, injury or loss of life or
property resulting from any natural or manmade cause, including, but not
limited to, fire, flood, earthquake, tornado, wind, storm, an epidemic, air
contamination, blight, drought, infestation or explosion.

(h) This section shall be a part of and supplemental to the Kansas
school equity and enhancement act.

(i) This section shall take effect and be in force from and after July 1,
2024.

65-202 and 72-5180 are hereby repealed.

Sec. 12. This act shall take effect and be in force from and after its
publication in the statute book.