

HOUSE BILL No. 2048

By Committee on Federal and State Affairs

1-12

1 AN ACT concerning the governmental response to the COVID-19
2 pandemic in Kansas; providing certain relief related to health, welfare,
3 property and economic security during this public health emergency;
4 relating to the state of disaster emergency; powers of the governor and
5 executive officers; providing certain limitations and restrictions;
6 authorizing the temporary sale of alcoholic liquor for consumption off
7 of certain licensed premises; relating to changes in eligibility for
8 benefits under the employment security law in response to the COVID-
9 19 public health emergency; authorizing the expanded use of
10 telemedicine in response to the COVID-19 public health emergency
11 and imposing requirements related thereto; suspending certain
12 requirements related to medical care facilities and expiring such
13 provisions; providing for temporary suspension of certain healthcare
14 professional licensing and practice requirements; delegation and
15 supervision requirements; conditions of licensure and renewal and
16 reinstatement of licensure; relating to limitations on business liability
17 associated with the COVID-19 public health emergency; amending
18 K.S.A. 2019 Supp. 48-925, as amended by section 34 of chapter 1 of
19 the 2020 Special Session Laws of Kansas and 48-925, as amended by
20 section 34 of chapter 1 of the 2020 Special Session Laws of Kansas, as
21 amended by section 5 of this act, and K.S.A. 2020 Supp. 41-2653, 44-
22 705, 48-924, 48-924b, 48-925a, 48-963, 48-965, 48-966 and 60-5504
23 and repealing the existing sections.

24

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

26

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

34

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

36

(2) the alcoholic liquor must be in its original container;

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

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

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

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

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

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

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

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

28 (2) The provisions of this subsection shall expire on ~~January 26~~ *June*
29 *1*, 2021.

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

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

37 (a) The claimant has registered for work at and thereafter continued
38 to report at an employment office in accordance with rules and regulations
39 adopted by the secretary, except that, subject to the provisions of K.S.A.
40 44-704(a), and amendments thereto, the secretary may adopt rules and
41 regulations that waive or alter either or both of the requirements of this
42 subsection.

43 (b) The claimant has made a claim for benefits with respect to such

1 week in accordance with rules and regulations adopted by the secretary.

2 (c) The claimant is able to perform the duties of such claimant's
3 customary occupation or the duties of other occupations that the claimant
4 is reasonably fitted by training or experience, and is available for work, as
5 demonstrated by the claimant's pursuit of the full course of action most
6 reasonably calculated to result in the claimant's reemployment except that,
7 notwithstanding any other provisions of this section, an unemployed
8 claimant otherwise eligible for benefits shall not become ineligible for
9 benefits: (1) Because of the claimant's enrollment in and satisfactory
10 pursuit of approved training, including training approved under section
11 236(a)(1) of the trade act of 1974; (2) solely because such individual is
12 seeking only part-time employment if the individual is available for a
13 number of hours per week that are comparable to the individual's part-time
14 work experience in the base period; or (3) because a claimant is not
15 actively seeking work: (i) During a state of disaster emergency proclaimed
16 by the governor pursuant to K.S.A. 48-924 and 48-925, and amendments
17 thereto; (ii) in response to the spread of the public health emergency of
18 COVID-19; and (iii) the state's temporary waiver of the work search
19 requirement under the employment security law for such claimant is in
20 compliance with the families first coronavirus response act, public law
21 116-127.

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

25 (d) (1) Except as provided further, the claimant has been unemployed
26 for a waiting period of one week or the claimant is unemployed and has
27 satisfied the requirement for a waiting period of one week under the shared
28 work unemployment compensation program as provided in K.S.A. 44-
29 757(k)(4), and amendments thereto, and that period of one week, in either
30 case, occurs within the benefit year that includes the week for which the
31 claimant is claiming benefits. No week shall be counted as a week of
32 unemployment for the purposes of this subsection:

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

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

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

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

43 (i) New claims by claimants who become unemployed as a result of

1 an employer terminating business operations within this state, declaring
2 bankruptcy or initiating a work force reduction pursuant to public law 100-
3 379, the federal worker adjustment and retraining notification act, 29
4 U.S.C. §§ 2101 through 2109, as amended; or

5 (ii) new claims filed on or after April 5, 2020, through ~~December 26,~~
6 ~~2020~~ *March 14, 2021*, in accordance with the families first coronavirus
7 response act, public law 116-127 and the federal CARES act, public law
8 116-136.

9 (B) The secretary shall adopt rules and regulations to administer the
10 provisions of this paragraph.

11 (3) If the waiting week requirement of paragraph (1) applies, a
12 claimant shall become eligible to receive compensation for the waiting
13 period of one week, pursuant to paragraph (1), upon completion of three
14 weeks of unemployment consecutive to such waiting period. This
15 paragraph shall not apply to initial claims effective on and after April 1,
16 2021.

17 (e) For benefit years established on and after the effective date of this
18 act, the claimant has been paid total wages for insured work in the
19 claimant's base period of not less than 30 times the claimant's weekly
20 benefit amount and has been paid wages in more than one quarter of the
21 claimant's base period, except that the wage credits of an individual earned
22 during the period commencing with the end of a prior base period and
23 ending on the date that such individual filed a valid initial claim shall not
24 be available for benefit purposes in a subsequent benefit year unless, in
25 addition thereto, such individual has returned to work and subsequently
26 earned wages for insured work in an amount equal to at least eight times
27 the claimant's current weekly benefit amount.

28 (f) The claimant participates in reemployment services, such as job
29 search assistance services, if the individual has been determined to be
30 likely to exhaust regular benefits and needs reemployment services
31 pursuant to a profiling system established by the secretary, unless the
32 secretary determines that: (1) The individual has completed such services;
33 or (2) there is justifiable cause for the claimant's failure to participate in
34 such services.

35 (g) The claimant is returning to work after a qualifying injury and has
36 been paid total wages for insured work in the claimant's alternative base
37 period of not less than 30 times the claimant's weekly benefit amount and
38 has been paid wages in more than one quarter of the claimant's alternative
39 base period if:

40 (1) The claimant has filed for benefits within four weeks of being
41 released to return to work by a licensed and practicing health care
42 provider;

43 (2) the claimant files for benefits within 24 months of the date the

1 qualifying injury occurred; and

2 (3) the claimant attempted to return to work with the employer where
3 the qualifying injury occurred, but the individual's regular work or
4 comparable and suitable work was not available.

5 Sec. 3. K.S.A. 2020 Supp. 48-924 is hereby amended to read as
6 follows: 48-924. (a) The governor shall be responsible for meeting the
7 dangers to the state and people presented by disasters.

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

12 (2) In addition to or instead of the proclamation authorized by K.S.A.
13 47-611, and amendments thereto, the governor, upon a finding or when
14 notified pursuant to K.S.A. 47-611, and amendments thereto, that a
15 quarantine or other regulations are necessary to prevent the spread among
16 domestic animals of any contagious or infectious disease, may issue a
17 proclamation declaring a state of disaster emergency. In addition to or
18 instead of any actions pursuant to the provisions of K.S.A. 2-2114, and
19 amendments thereto, the governor, upon a finding or when notified
20 pursuant to K.S.A. 2-2112 et seq., and amendments thereto, that a
21 quarantine or other regulations are necessary to prevent the spread among
22 plants, raw agricultural commodities, animal feed or processed food of any
23 contagious or infectious disease, may issue a proclamation declaring a
24 state of disaster emergency.

25 (3) The state of disaster emergency so declared shall continue until
26 the governor finds that the threat or danger of disaster has passed, or the
27 disaster has been dealt with to the extent that emergency conditions no
28 longer exist. Upon making such findings the governor shall terminate the
29 state of disaster emergency by proclamation, but except as provided in
30 paragraph (4), no state of disaster emergency may continue for longer than
31 15 days unless ratified by concurrent resolution of the legislature, with the
32 single exception that upon specific application by the governor to the state
33 finance council and an affirmative vote of a majority of the legislative
34 members thereof, a state of disaster emergency may be extended once for a
35 specified period not to exceed 30 days beyond such 15-day period.

36 (4) If the state of disaster emergency is proclaimed pursuant to
37 paragraph (2), the governor shall terminate the state of disaster emergency
38 by proclamation within 15 days, unless ratified by concurrent resolution of
39 the legislature, except that when the legislature is not in session and upon
40 specific application by the governor to the state finance council and an
41 affirmative vote of a majority of the legislative members thereof, a state of
42 disaster emergency may be extended for a specified period not to exceed
43 30 days. The state finance council may authorize additional extensions of

1 the state of disaster emergency by a unanimous vote of the legislative
2 members thereof for specified periods not to exceed 30 days each. Such
3 state of disaster emergency shall be terminated on the 15th day of the next
4 regular legislative session following the initial date of the state of disaster
5 emergency unless ratified by concurrent resolution of the legislature.

6 (5) The state of disaster emergency described in K.S.A. 2020 Supp.
7 48-924b, and amendments thereto, shall terminate on September 15, 2020,
8 as provided in K.S.A. 2020 Supp. 48-924b, and amendments thereto,
9 except that when the legislature is not in session *or is adjourned during*
10 *session for three or more days*, and upon specific application by the
11 governor to the state finance council and an affirmative vote of at least six
12 of the legislative members of the council, this state of disaster emergency
13 may be extended for specified periods not to exceed 30 days each. No such
14 extension granted by the state finance council shall continue past ~~January~~
15 ~~26 June 1, 2021.~~

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

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

31 (c) In the event of the absence of the governor from the state or the
32 existence of any constitutional disability of the governor, an officer
33 specified in K.S.A. 48-1204, and amendments thereto, in the order of
34 succession provided by that section, may issue a proclamation declaring a
35 state of disaster emergency in the manner provided in and subject to the
36 provisions of subsection (a). During a state of disaster emergency declared
37 pursuant to this subsection, such officer may exercise the powers conferred
38 upon the governor by K.S.A. 48-925, and amendments thereto. If a
39 preceding officer in the order of succession becomes able and available,
40 the authority of the officer exercising such powers shall terminate and such
41 powers shall be conferred upon the preceding officer. Upon the return of
42 the governor to the state or the removal of any constitutional disability of
43 the governor, the authority of an officer to exercise the powers conferred

1 by this section shall terminate immediately and the governor shall resume
2 the full powers of the office. Any state of disaster emergency and any
3 actions taken by an officer under this subsection shall continue and shall
4 have full force and effect as authorized by law unless modified or
5 terminated by the governor in the manner prescribed by law.

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

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

22 Sec. 4. K.S.A. 2020 Supp. 48-924b is hereby amended to read as
23 follows: 48-924b. (a) The state of disaster emergency that was declared by
24 the governor pursuant to K.S.A. 48-924, and amendments thereto, as a
25 result of the COVID-19 health emergency, by proclamation on March 12,
26 2020, which was ratified and continued in force and effect through May 1,
27 2020, by 2020 House Concurrent Resolution No. 5025, adopted by the
28 house of representatives with the senate concurring therein on March 19,
29 2020, declared by proclamation on April 30, 2020, which was extended
30 and continued in existence by the state finance council on May 13, 2020,
31 for an additional 12 days through May 26, 2020, and declared by
32 proclamation on May 26, 2020, *which was ratified and continued in*
33 *existence through September 15, 2020, by this section, extended and*
34 *continued in existence by the state finance council on September 11, 2020,*
35 *for an additional 30 days through October 15, 2020, extended and*
36 *continued in existence by the state finance council on October 7, 2020, for*
37 *an additional 30 days through November 15, 2020, extended and*
38 *continued in existence by the state finance council on November 13, 2020,*
39 *for an additional 30 days through December 15, 2020, extended and*
40 *continued in existence by the state finance council on December 11, 2020,*
41 *for an additional 26 days through January 10, 2021, and extended and*
42 *continued in existence by the state finance council on January 6, 2021, for*
43 *an additional 16 days through January 26, 2021, for all 105 counties of*

1 Kansas, is hereby ratified and continued in existence from March 12,
2 2020, through ~~September 15, 2020~~ *March 5, 2021*.

3 (b) The governor shall not proclaim any new state of disaster
4 emergency related to the COVID-19 health emergency during 2020 *or*
5 *2021*, unless the governor makes specific application to the state finance
6 council and an affirmative vote of at least six of the legislative members of
7 the council approve such action by the governor.

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

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

32 (c) During a state of disaster emergency declared under K.S.A. 48-
33 924, and amendments thereto, ~~and~~ in addition to any other powers
34 conferred upon the governor by law *and subject to the provisions of*
35 *subsection (d), (e) and (f)*, the governor may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (g) The governor shall exercise the powers conferred by subsection
2 (c) by issuance of orders under subsection (b). *Each order issued pursuant*
3 *to the authority granted by subsection (b) shall specify the provision or*
4 *provisions of subsection (c) by specific reference to each paragraph of*
5 *subsection (c) that confers the power under which the order was issued.*
6 The adjutant general, subject to the direction of the governor, shall
7 administer such orders.

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

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

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

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

20 Sec. 6. On and after June 1, 2021, K.S.A. 2019 Supp. 48-925, as
21 amended by section 34 of chapter 1 of the 2020 Special Session Laws of
22 Kansas, as amended by section 5 of this act, is hereby amended to read as
23 follows: 48-925. (a) During any state of disaster emergency declared under
24 K.S.A. 48-924, and amendments thereto, the governor shall be
25 commander-in-chief of the organized and unorganized militia and of all
26 other forces available for emergency duty. To the greatest extent
27 practicable, the governor shall delegate or assign command authority by
28 prior arrangement, embodied in appropriate executive orders or in rules
29 and regulations of the adjutant general, but nothing herein shall restrict the
30 authority of the governor to do so by orders issued at the time of a disaster.

31 (b) Under the provisions of this act and for the implementation of this
32 ~~act thereof~~, the governor may issue orders to exercise the powers conferred
33 ~~by subsection (c) that~~ and proclamations which shall have the force and
34 effect of law during the period of a state of disaster emergency declared
35 under subsection (b) of K.S.A. 48-924(b), and amendments thereto, or as
36 provided in K.S.A. 2020 Supp. 48-924b, and amendments thereto. Within
37 24 hours of the issuance of any such order, the governor shall call a
38 meeting of the state finance council for the purposes of reviewing such
39 order. Such and which orders and proclamations shall be null and void
40 after the period of a state of disaster emergency has ended thereafter
41 unless ratified by concurrent resolution of the legislature. Such orders and
42 proclamations may be revoked at any time by concurrent resolution of the
43 legislature.

1 (c) During a state of disaster emergency declared under K.S.A. 48-
2 924, and amendments thereto, *and* in addition to any other powers
3 conferred upon the governor by law ~~and subject to the provisions of~~
4 ~~subsection (d), (e) and (f)~~, the governor may:

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

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

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

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

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

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

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

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

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

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

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

41 (d) ~~The governor shall not have the power or authority to temporarily~~
42 ~~or permanently seize, or authorize seizure of, any ammunition or to~~
43 ~~suspend or limit the sale, dispensing or transportation of firearms or~~

1 ammunition pursuant to subsection (c)(8) or any other executive authority.

2 (e) ~~Notwithstanding any provision of this section to the contrary and~~
3 ~~pursuant to the governor's state of disaster emergency proclamation issued~~
4 ~~on May 26, 2020, the governor shall not have the power or authority to~~
5 ~~restrict businesses from operating or to restrict the movement or gathering~~
6 ~~of individuals. The provisions of this subsection shall expire on September~~
7 ~~15, 2020.~~

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

13 (g) ~~The governor shall exercise the powers conferred by subsection~~
14 ~~(c) by issuance of orders under subsection (b). Each order issued pursuant~~
15 ~~to the authority granted by subsection (b) shall specify the provision or~~
16 ~~provisions of subsection (c) by specific reference to each paragraph of~~
17 ~~subsection (c) that confers the power under which the order was issued.~~
18 ~~The adjutant general, subject to the direction of the governor, shall~~
19 ~~administer such orders.~~

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

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

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

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

32 Sec. 7. K.S.A. 2020 Supp. 48-925a is hereby amended to read as
33 follows: 48-925a. (a) ~~On and after September 15, 2020, During any state~~
34 ~~of disaster emergency related to the COVID-19 public health emergency~~
35 ~~declared pursuant to K.S.A. 48-924, and amendments thereto, the governor~~
36 ~~may not issue an order the closure or cessation of any that substantially~~
37 ~~burdens or inhibits the gathering or movement of individuals or operation~~
38 ~~of any religious, civic, business or commercial activity, whether for-profit~~
39 ~~or not-for-profit, for more than 15 days. At least 24 hours prior to the~~
40 ~~issuance of such order, the governor shall call a meeting of the state~~
41 ~~finance council for the purpose of consulting with the council regarding~~
42 ~~the conditions necessitating the issuance of such order. After such initial~~
43 ~~order or orders providing for the closure or cessation of any business or~~

1 ~~commercial activity have resulted in 15 days of such closures or cessation~~
2 ~~of business or commercial activity, the governor may not order the closure~~
3 ~~or cessation of business or commercial activity, except upon specific~~
4 ~~application by the governor to the state finance council and an affirmative~~
5 ~~vote of at least six of the legislative members of the council, the governor~~
6 ~~may order the closure or cessation of business or commercial activity as~~
7 ~~approved by the council for specified periods not to exceed 30 days each.~~

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

12 (c) The provisions of this section shall expire on ~~January 26~~ *June 1,*
13 2021.

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

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

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

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

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

28 (2) The state board of healing arts may extend the provisions of this
29 subsection to other healthcare professionals licensed and regulated by the
30 board as deemed necessary by the board to address the impacts of COVID-
31 19 and consistent with ensuring patient safety.

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

36 (e) Nothing in this section shall supersede or otherwise affect the
37 provisions of K.S.A. 65-4a10, and amendments thereto, or K.S.A. 2020
38 Supp. 40-2,215, and amendments thereto.

39 (f) As used in this section:

40 (1) "Physician" means a person licensed to practice medicine and
41 surgery.

42 (2) "Telemedicine" means the delivery of healthcare services by a
43 healthcare provider while the patient is at a different physical location.

1 (g) This section shall expire on ~~January 26~~ *December 31, 2021*.

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

10 (b) This section shall expire on ~~January 26~~ *December 31, 2021*.

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

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

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

1 registered nurse anesthetist's lack of direction and supervision from a
2 physician.

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

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

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

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

29 (f) Notwithstanding the provisions of K.S.A. 65-1115, 65-1116 and
30 65-1117, and amendments thereto, or any other statute to the contrary, a
31 registered professional nurse or licensed practical nurse who holds a
32 license that is exempt or inactive or whose license has lapsed within the
33 past five years from the effective date of this act may provide healthcare
34 services appropriate to the nurse's education, training and experience. Such
35 registered professional nurse or licensed practical nurse shall not be liable
36 in any criminal prosecution, civil action or administrative proceeding
37 arising out of such nurse's exempt, inactive or lapsed license.

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

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

1 education, training and experience;

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

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

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

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

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

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

40 (2) fingerprinting;

41 (3) continuing education; and

42 (4) payment of a fee.

43 (k) Notwithstanding any statute to the contrary, a professional

1 certification in basic life support, advanced cardiac life support or first aid
2 shall remain valid if such professional certification is due to expire or be
3 canceled while the state of disaster emergency proclamation issued by the
4 governor in response to the COVID-19 pandemic is in effect.

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

9 (m) As used in this section:

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

14 (2) "designated healthcare facility" means:

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

16 (B) state-owned surgical centers;

17 (C) state-operated hospitals and veterans facilities;

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

20 (E) adult care homes; and

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

24 (n) The provisions of this section shall expire on ~~January 26~~
25 *December 31, 2021.*

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

33 (b) The provisions of this section shall expire on ~~January 26~~
34 *December 31, 2021.*

35 Sec. 12. K.S.A. 2020 Supp. 41-2653, 44-705, 48-924, 48-924b, 48-
36 925a, 48-963, 48-965, 48-966 and 60-5504 are hereby repealed.

37 Sec. 13. On and after January 26, 2021, K.S.A. 2019 Supp. 48-925, as
38 amended by section 34 of chapter 1 of the 2020 Session Laws of Kansas,
39 is hereby repealed.

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

43 Sec. 15. This act shall take effect and be in force from and after its

- 1 publication in the Kansas register.