

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Judiciary** recommends **SB 541** be amended on page 1, by striking all in lines 32 through 36;

By striking all on page 2;

On page 3, by striking all in lines 1 through 17; in line 23, by striking "mandates the wearing of face masks,";

On page 4, by striking all in lines 32 through 43;

On page 5, by striking all in lines 1 through 27; following line 27 by inserting:

"New Sec. 3. (a) Notwithstanding any provision of law to the contrary, a governmental entity or public official shall not order or otherwise require a person to wear a face mask as a response to a contagious or infectious disease.

(b) A governmental entity or public official may recommend that a person wear a face mask as a response to a contagious or infectious disease.";

On page 6, in line 21, by striking "subsections" and inserting "subsection"; also in line 21, by striking "and (e)";

On page 7, in line 15, after "(d)" by inserting "(1)"; in line 23, by striking "(e)" and inserting "(2)"; in line 24, by striking "the provisions of"; also in line 24, after "to" by inserting ":

(A)";

Also on page 7, in line 27, after "elections" by inserting "; or

(B) order or otherwise require a person to wear a face mask as a response to a contagious or infectious disease.

(3) No rule, regulation or executive order issued by the governor or any other governmental entity pursuant to the Kansas emergency management act shall apply to the exercise of religion in a church, synagogue or other place of worship";

Also on page 7, in line 28, by striking "(f)" and inserting "(e)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 13, in line 14, after "(1)" by inserting "A governmental entity or public official shall not have the power under the provisions of the Kansas emergency management act or any other law to order or otherwise require a person to wear a face mask as a response to a contagious or infectious disease.

(2) No action taken by a governmental entity or public official pursuant to the Kansas emergency management act shall apply to the exercise of religion in a church, synagogue or other place of worship.

(f) (1)";

On page 16, in line 28, after "(d)" by inserting "and section 3, and amendments thereto";

On page 17, in line 25, by striking "mandates the wearing of face masks,";

On page 19, in line 17, after "(A)" by inserting "Except as provided in section 3, and amendments thereto,"; in line 18, by striking "mandating the wearing of face masks,";

On page 20, following line 18, by inserting:

"Sec. 14. K.S.A. 2021 Supp. 65-202 is hereby amended to read as follows: 65-202. (a) (1) The local health officer in each county throughout the state, immediately after such officer's appointment, shall take the same oath of office prescribed by law for the county officers, shall give bond of \$500 conditioned for the faithful performance of the officer's duties, shall keep an accurate record of all the transactions of such office, shall 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

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.

(2) 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.

(3) 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.

~~(e)~~(b) (1) ~~Such~~ The local health 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, except as provided in section 3, and amendments thereto, shall: (A) Use all known measures to prevent the spread of any such infectious, contagious or communicable disease; and ~~shall~~ (B) perform such other duties as this act, the county or joint board, 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, contagious or communicable 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.

(c) 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.

(d) 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~~ an unclassified misdemeanor and, upon conviction, be fined not less \$10 nor more than \$100 for each and every offense.";

On page 21, by striking all in lines 35 through 43;

By striking all on page 22;

On page 23, by striking all in line 1; in line 3, by striking "79-1614" and inserting "65-202";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "governmental action; relating to"; also in line 1, by striking all after the semicolon; by striking all in line 2; in line 3, by striking all before the semicolon and inserting "prohibiting a governmental entity or public official from ordering or otherwise requiring a person to wear a face mask as a response to a contagious or infectious disease"; in line 4, by striking "face mask mandates,"; in line 12, by striking "and face mask mandates"; in line 15, after the semicolon by inserting "limiting powers of the governor and other governmental entities under the Kansas emergency management act related to the exercise of religion,"; in line 24, by striking all after the semicolon; by striking all in lines 25 and 26; in line 27, by striking "disease,"; in line 29, by striking "79-1614" and inserting "65-202"; and the bill be passed as amended.

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Chairperson