

STATE OF KANSAS

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GOVERNOR LAURA KELLY

MESSAGE FROM THE GOVERNOR

REGARDING VETO OF HOUSE BILL 2285

The field of public health was pioneered here in Kansas, yet lawmakers continue trying to undermine the advancements that have saved lives in every corner of our state.

That's most recently evidenced by this bill, an effort by politicians in Topeka to win political points in the short-term while threatening the long-term health and safety of all Kansans and of our economy. There's no question: Preventing Kansas' local and state health officials from providing even basic testing for contagious human and zoonotic diseases – including measles, meningitis, Ebola, and polio – will hurt our ability to stop unnecessary outbreaks in the future.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto House Bill 2285.

THE GOVERNOR'S OFFICE

BY THE GOVERNOR

A handwritten signature in blue ink, appearing to read "Laura Kelly", written over a horizontal line.

DATED

A handwritten date in blue ink, "May 12, 2023", written over a horizontal line.

HOUSE BILL No. 2285

AN ACT concerning the secretary of health and environment; relating to drug overdoses; requiring the secretary of health and environment to study overdose deaths; providing for the confidentiality of acquired and compiled records; restricting the powers of the secretary of health and environment and local health officers to control the introduction and spread of infectious or contagious diseases; revoking the authority of the secretary to order individuals to isolate or quarantine and impose penalties for violations thereof; prohibiting the secretary of health and environment from requiring a COVID-19 vaccination in order to attend a child care facility or school; amending K.S.A. 65-116g, 65-119, 65-128, 65-129b, 65-129d, 65-508 and 72-6262 and K.S.A. 2022 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:*

New Section 1. (a) As used in this section:

(1) "Data" means all facts, information, records of interviews, written reports, statements, notes or memorandums secured in connection with an authorized medical research study.

(2) "Overdose" means injury to the body that happens when one or more drugs are taken in excessive amounts. "Overdose" includes fatal and nonfatal injuries.

(3) "Secretary" means the secretary of health and environment.

(b) The secretary shall:

(1) Identify drug overdose deaths;

(2) review autopsy reports, death certificates, medical records and other relevant data;

(3) review interactions with the healthcare system, behavioral health system, social services, educational institutions, children and family services, the criminal justice system and any other systems with which a decedent had contact prior to a drug overdose death;

(4) contact family members and other affected or involved persons to collect additional relevant data;

(5) make determinations regarding the preventability of drug overdose death cases and develop recommendations to prevent such deaths, including recommendations for changes to statutes, rules and regulations, policies and procedures; and (6) disseminate findings and recommendations to the governor, the legislature, healthcare providers and facilities, behavioral health professionals, law enforcement and the general public.

(c) The secretary shall have access to the following identifiable data sources and records therein:

(1) Law enforcement reports directly relating to events leading up to a drug overdose death and information leading to the conclusion that the death may have been a drug overdose death. The law enforcement agency may redact names and other personally identifiable information of individuals contained in such law enforcement reports or exclude information that would reveal an ongoing investigation of drug violations or any criminal history information prohibited by law to be released;

(2) autopsy records and coroner's investigative records regarding a drug overdose death in Kansas;

(3) medical records or emergency medical services records regarding a drug overdose death or previous overdose by a decedent;

(4) a decedent's controlled substance dispensation records from the prescription monitoring program established by the prescription monitoring program act, K.S.A. 65-1681 et seq., and amendments thereto; and

(5) records, data and reports from any other applicable entity that has provided services to a decedent.

(d) (1) The secretary may apply to the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any relevant data or information requested by the secretary under this section. Any data or information received by the secretary pursuant to the subpoena shall be confidential and privileged information and not subject to disclosure.

(2) The provisions of this subsection providing for confidentiality of records shall expire on July 1, 2028, unless the legislature acts prior

to July 1, 2028, to continue such provisions in accordance with K.S.A. 45-229, and amendments thereto.

(e) (1) All proceedings and activities of the secretary or representatives of the secretary under this section, opinions of the secretary or representatives of the secretary formed as a result of such proceedings and activities and records obtained, created or maintained pursuant to this section, including records of interviews, written reports and statements procured by the secretary or any other person, agency or organization acting jointly or under contract with the department of health and environment in connection with the requirements of this section, shall be confidential and not subject to the provisions of the open records act or the open meetings act or subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. Nothing in this section shall be construed to limit or otherwise restrict the right to discover or use in any civil or criminal proceeding any document or record that is available and entirely independent of proceedings and activities of the secretary or representatives of the secretary under this section.

(2) The secretary or representatives of the secretary shall not be questioned in any civil or criminal proceeding regarding the information presented in or opinions formed as a result of an investigation. Nothing in this section shall be construed to prevent the secretary or representatives of the secretary from testifying to information obtained independently of this section or that is public information.

(3) The provisions of this subsection providing for confidentiality of records shall expire on July 1, 2028, unless the legislature acts to continue such provisions. The legislature shall review the provisions of this subsection pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2028.

Sec. 2. K.S.A. 2022 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 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 to:*

(1) *Violate any provision of this act relating to tuberculosis, or any associated rules or regulations of the secretary of health and environment for the enforcement of this act; or;*

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

(3) ~~conducts himself in a engage in 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.*

(c) *As used in this section, "this act" means K.S.A. 65-116a through 65-116m, and amendments thereto.*

Sec. 4. 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 relating~~ 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 relating~~ 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 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. 5. 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 *adopt rules and regulations* to designate such diseases ~~as that~~ are infectious or contagious in their nature and, *prior to adopting amendments to such rules and regulations, submit a report with the proposed amendments 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 to the public and provide education on 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 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. 6. 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)~~(a) May ~~issue an order requiring~~ *recommend* an individual ~~who~~ *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)~~(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)~~(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)~~(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~~ *shall* 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. 7. K.S.A. 65-129d is hereby amended to read as follows: 65-129d. ~~It shall be unlawful for any~~ *A public or private employer to shall not 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. 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. 8. K.S.A. 2022 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.

~~(e)~~(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. 9. K.S.A. 65-508 is hereby amended to read as follows: 65-508. (a) ~~Any~~ *A* maternity center or child care facility subject to the provisions of this act shall:

- (1) Be properly heated, plumbed, lighted and ventilated;
- (2) have plumbing, water and sewerage systems ~~which~~ *that* conform to all applicable state and local laws; and
- (3) be operated with strict regard to the health, safety and welfare of any woman or child.

(b) Every maternity center or child care facility shall furnish or cause to be furnished for the use of each resident and employee individual towel, ~~wash cloth~~ *washcloth*, comb and individual drinking cup or sanitary bubbling fountain, and toothbrushes for all other than infants, and shall keep or require such articles to be kept at all times in a clean and sanitary condition. Every maternity center or child care facility shall comply with all applicable fire codes and rules and regulations of the state fire marshal.

(c) (1) The secretary of health and environment with the

cooperation of the secretary for children and families shall develop and adopt rules and regulations for the operation and maintenance of maternity centers and child care facilities. The rules and regulations for operating and maintaining maternity centers and child care facilities shall be designed to promote the health, safety and welfare of any woman or child served in such facilities by ensuring safe and adequate physical surroundings, healthful food, adequate handwashing, safe storage of toxic substances and hazardous chemicals, sanitary diapering and toileting, home sanitation, supervision and care of the residents by capable, qualified persons of sufficient number, after-hour care, an adequate program of activities and services, sudden infant death syndrome and safe sleep practices training, prohibition on corporal punishment, crib safety, protection from electrical hazards, protection from swimming pools and other water sources, fire drills, emergency plans, safety of outdoor playground surfaces, door locks, safety gates and transportation and such appropriate parental participation as may be feasible under the circumstances. Boarding schools are excluded from requirements regarding the number of qualified persons who must supervise and provide care to residents.

(2) Rules and regulations developed under this subsection shall include provisions for the competent supervision and care of children in day care facilities. For purposes of such rules and regulations, competent supervision as this term relates to children less than five years of age includes, but is not limited to, direction of activities, adequate oversight including sight or sound monitoring, or both, physical proximity to children, diapering and toileting practices; and for all children, competent supervision includes, but is not limited to, planning and supervision of daily activities, safe sleep practices, including, but not limited to, visual or sound monitoring, periodic checking, emergency response procedures and drills, illness and injury response procedures, food service preparation and sanitation, playground supervision, pool and water safety practices.

(d) In addition to any rules and regulations adopted under this section for safe sleep practices, child care facilities shall ensure that all of the following requirements are met for children under 12 months of age:

(1) A child shall only be placed to sleep on a surface and in an area that has been approved for use as such by the secretary of health and environment;

(2) the sleep surface shall be free from soft or loose bedding, including, but not limited to, blankets, bumpers and pillows; and

(3) the sleep surface shall be free from toys, including mobiles and other types of play equipment or devices.

(e) Child care facilities shall ensure that children over 12 months of age only be placed to sleep on a surface and in an area that has been approved for use as such by the secretary of health and environment.

(f) The secretary of health and environment may exercise discretion to make exceptions to requirements in subsections (d) and (e) where special health needs exist.

(g) (1) Each child cared for in a child care facility, including children of the person maintaining the facility, shall be required to have current such immunizations as the secretary of health and environment considers necessary. The person maintaining a child care facility shall maintain a record of each child's immunizations and shall provide to the secretary of health and environment such information relating thereto, in accordance with rules and regulations of the secretary, but the person maintaining a child care facility shall not have such person's license revoked solely for the failure to have or to maintain the immunization records required by this subsection.

(2) (A) *The secretary of health and environment shall not require a child cared for in a child care facility to receive a COVID-19 vaccine.*

(B) *As used in this paragraph, "COVID-19 vaccine" means an immunization, vaccination or injection against disease caused by the*

*novel coronavirus identified as SARS-CoV-2 or disease caused by a variant of the virus.*

(h) The immunization requirement of subsection (g) shall not apply if one of the following is obtained:

(1) Certification from a licensed physician stating that the physical condition of the child is such that immunization would endanger the child's life or health; or

(2) a written statement signed by a parent or guardian that the parent or guardian is an adherent of a religious denomination whose teachings are opposed to immunizations.

Sec. 10. K.S.A. 2022 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, 2021.~~

Sec. 11. K.S.A. 72-6262 is hereby amended to read as follows: 72-6262. (a) (1) In each school year, every ~~pupil~~ *student* enrolling or enrolled in any school for the first time in this state, and each child enrolling or enrolled for the first time in a preschool or day care program operated by a school, and such other ~~pupils~~ *students* as may be designated by the secretary, prior to admission to and attendance at school, shall present to the appropriate school board certification from a physician or local health department that the ~~pupil~~ *student* has received such tests and inoculations as are deemed necessary by the secretary by

such means as are approved by the secretary. ~~Pupils~~ *Students* who have not completed the required inoculations may enroll or remain enrolled while completing the required inoculations if a physician or local health department certifies that the ~~pupil~~ *student* has received the most recent appropriate inoculations in all required series. Failure to timely complete all required series shall be deemed non-compliance.

(2) (A) *The secretary of health and environment shall not require a student described in paragraph (1) to receive a COVID-19 vaccine.*

(B) *As used in this paragraph, "COVID-19 vaccine" means an immunization, vaccination or injection against disease caused by the novel coronavirus identified as SARS-CoV-2 or disease caused by a variant of the virus.*

(b) As an alternative to the certification required under subsection (a), a ~~pupil~~ *student* shall present:

(1) An annual written statement signed by a licensed physician stating the physical condition of the child ~~to be~~ *is* such that the tests or inoculations would seriously endanger the life or health of the child; or

(2) a written statement signed by *at least* one parent or guardian *stating* that the child is an adherent of a religious denomination whose religious teachings are opposed to such tests or inoculations.

(c) On or before May 15 of each school year, the school board of every school affected by this act shall notify the parents or guardians of all known ~~pupils~~ *students* who are enrolled or who will be enrolling in the school of the provisions this act and any policy regarding the implementation of the provisions of this act adopted by the school board.

(d) If a ~~pupil~~ *student* transfers from one school to another, the school from which the ~~pupil~~ *student* transfers shall forward with the ~~pupil's~~ *student's* transcript the certification or statement showing evidence of compliance with the requirements of this act to the school to which the ~~pupil~~ *student* transfers.

Sec. 12. K.S.A. 65-116g, 65-119, 65-126, 65-127, 65-128, 65-129, 65-129b, 65-129c, 65-129d, 65-508 and 72-6262 and K.S.A. 2022 Supp. 65-101, 65-202 and 72-5180 are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its publication in the statute book.

I hereby certify that the above BILL originated in the HOUSE, and was adopted by that body

HOUSE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

Passed the SENATE  
as amended \_\_\_\_\_

SENATE adopted  
Conference Committee Report \_\_\_\_\_

\_\_\_\_\_  
*President of the Senate.*

\_\_\_\_\_  
*Secretary of the Senate.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*