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Healthy People Build Strong Communities

Testimony by Dennis Kriesel with the Kansas Association of Local Health Departments (KALHD) to

Senate Committee on Judiciary

Written-Only Opponent for SB 541 • March 7, 2022

Chair Warren and Members of the Committee,

Thank you for the opportunity to supply written testimony in opposition to Senate Bill 541 which makes numerous public health changes. KALHD is a nonprofit association dedicated to strengthening local health departments for the purpose of improving and protecting the health of all Kansans.

KALHD has a multitude of concerns with SB 541 and the negative impacts it could have. Namely:

- New Section 4's inclusion of a religious exemption for school face mask requirements, with no ability to inquire to the sincerity of the request, we see as just another name for a philosophical exemption. It is so broad that anyone can just opt out, making a mask requirement not much of a requirement at all, and defeating the purpose a major non-pharmaceutical intervention such as masks provides.
- Section 7 and Section 8, which allow the board of education of school districts and the governing body of community colleges, respectively, to have authority to take any action, issue any order, or adopt any policy made in response to a contagious/infectious disease that affects the operation of a school strips away the ability for the Kansas Department of Health and Environment, local health officers, and other local governments (namely the local boards of health) from taking operational action. This is deeply troubling. There is no required expertise on those school governing bodies related to public health or even focused expertise on contagious/infectious disease. This would punch a sizeable hole in health protection efforts as these bodies could, for political reasons, ignore any health recommendations tied to the operations of the facilities, putting the health and safety of students and staff at risk.
- Section 10 restores the COVID-19 Contact Tracing Privacy Act. Given the moves away from contact tracing for COVID we are not sure of the relevance to this, however we take issue with having a set of contact tracing rules for one disease that differ from the approach used successfully for all other diseases.
- Section 13 adds new language to K.S.A. 65-122 which appears to indicate that people under quarantine might not be denied access to school or day care. Given the language "reasonable grounds to believe that such a person is actually infected" suggests a higher standard than the close contact protocols currently used. This could have severe consequences for any rapidly transmissible disease.
- Section 15 makes substantial changes to K.S.A. 72-6262, though our chief concern here is installing a philosophical vaccine exemption (per the definition applied for "religious beliefs" in this section). Again, broadly allowing people to opt out of immunizations defeats the strategy they rely on (herd immunity) and puts the lives of those who cannot receive such immunizations (for medical reasons) at serious risk of illness and death, as well as those who have had their immunizations wane over time.

Overall, we believe SB 541 does significant damage to public health in Kansas. KALHD opposes this bill and asks the committee not recommend it for passage.

Sincerely,

Dennis Kriesel

Executive Director, Kansas Association of Local Health Departments