

HOUSE BILL No. 2048

By Committee on Federal and State Affairs

1-12

Proposed Amendments to HB 2048 - Burris - Date
House Judiciary Committee
Office of Revisor of Statutes
January 14, 2021

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

January, 24, 2022

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 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

January 24, 2022