

**HOUSE BILL No. 2449**

By Committee on Federal and State Affairs

3-24

1 AN ACT concerning governmental response to public health; relating to  
2 the state of disaster emergency powers of the governor and certain  
3 public officials; providing certain limitations and restrictions;  
4 prohibiting stay-at-home orders and curfews; requirement of  
5 vaccinations by certain public and private entities; requiring the capitol  
6 and legislative meetings be open to the public; protecting the freedom  
7 of worship and operation of private businesses.  
8

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

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

11 (1) "Business entity" means any person or group of persons  
12 performing or engaging in any activity, enterprise, profession or  
13 occupation for gain, benefit, advantage or livelihood, whether for-profit or  
14 not-for-profit. "Business entity" includes, but not is not limited to:

15 (A) Self-employed individuals, business entities filing articles of  
16 incorporation, partnerships, limited partnerships, limited liability  
17 companies, foreign corporations, foreign limited partnerships, foreign  
18 limited liability companies authorized to transact business in this state,  
19 business trusts and any business entity that registers with the secretary of  
20 state; and

21 (B) any business entity that possesses a business license, permit,  
22 certificate, approval, registration, charter or similar form of authorization  
23 issued by the state, any business entity that is exempt by law from  
24 obtaining such a business license and any business entity that is operating  
25 unlawfully without such a business license.

26 (2) "Ticket issuer" means an individual or entity providing tickets to  
27 an entertainment event including:

28 (A) The operator of the venue where the entertainment event occurs;

29 (B) the sponsor or promoter of an entertainment event;

30 (C) a sports team participating in an entertainment event or a league  
31 whose teams are participating in an entertainment event;

32 (D) a theater company, musical group or similar participant in an  
33 entertainment event; or

34 (E) an agent of any individual or entity described in subparagraphs  
35 (A) through (D).

36 (3) "Vaccination" means the introduction of a vaccine into the body to

1 produce immunity to a specific disease or virus.

2 (b) (1) Notwithstanding any provision of law to the contrary, a  
3 business entity doing business in this state shall not refuse to provide any  
4 service, product, admission to a venue or transportation to a person  
5 because that person has or has not received a vaccination. A ticket issuer  
6 shall not penalize, discriminate against or deny access to an entertainment  
7 event to a ticket holder because the ticket holder has or has not received a  
8 vaccination.

9 (2) Upon a finding that a business entity violated this subsection, the  
10 court shall order the suspension of all licenses issued by the state or any  
11 political subdivision of the state that are held by the business entity for at  
12 least 30 days, but not more than one year.

13 (3) Violation of any provision of this subsection is a severity level 7,  
14 nonperson felony.

15 (c) (1) Notwithstanding any provision of law to the contrary, state,  
16 county and local governmental entities or officials in this state shall not:

17 (A) Require any person to obtain a vaccination except for:

18 (i) Employees of a hospital or other medical facility;

19 (ii) employees of a long-term elder care or nursing home facility; or

20 (iii) students or faculty of a public elementary or secondary school,  
21 unless in the case of a student, the student's parent or guardian is opposed  
22 to vaccinations and objects by a written sworn statement to the vaccination  
23 based on religious grounds or conscientiously held beliefs;

24 (B) require any person to obtain a vaccination as a condition for:

25 (i) Receipt of any government benefit or services or any government-  
26 issued license or permit;

27 (ii) entrance into any public building; or

28 (iii) use of public transportation;

29 (C) provide any special privilege, financial benefit or other incentive  
30 to any person for receiving a vaccination;

31 (D) restrict the manner of any worship service or activity in any way  
32 in this state;

33 (E) suspend, regulate or prohibit the conduct of any worship service  
34 or activity in this state, regardless of whether the worship service or  
35 activity is conducted inside a building, inside a temporary structure or  
36 outdoors;

37 (F) limit the number of participants of any worship service or activity  
38 in this state, other than by enforcing limitations on the number of persons  
39 in a building imposed by fire codes;

40 (G) restrict any business activity in this state in a manner that  
41 prevents a business entity from providing its products or services to the  
42 public if the business entity possesses all applicable licenses and permits to  
43 do business in this state;

1 (H) require that a United States citizen remain at home; or  
2 (I) impose upon a United States citizen any curfew based on an  
3 epidemic or other public health reason.

4 (2) Violation of any provision of this subsection is a severity level 7,  
5 nonperson felony.

6 (d) (1) Notwithstanding any provision of law to the contrary, the state  
7 capitol shall be open to the public between the hours of 8 a.m. and 5 p.m.  
8 on all weekdays, except on public holidays designated in K.S.A. 35-107,  
9 and amendments thereto.

10 (2) All meetings shall be open to the public and no restriction on the  
11 number of members of the public present in:

12 (A) Any meeting room for any legislative committee shall restrict the  
13 number of members of the public to fewer than 15 persons;

14 (B) the gallery for the house of representatives shall restrict the  
15 number of members of the public to less than 50 persons; and

16 (C) the gallery for the senate shall restrict the number of members of  
17 the public to less than 50 persons.

18 (e) Notwithstanding any other provision of law to the contrary, any  
19 regulation of business activity imposed by a proclamation issued by the  
20 governor pursuant to K.S.A. 48-925, and amendments thereto:

21 (1) Shall have a duration of not more than 30 days; and

22 (2) may be terminated if either the senate or the house of  
23 representatives adopts by a majority vote of the members elected thereto a  
24 resolution disapproving such proclamation.

25 (f) The provisions of this act are severable. If any provision of this  
26 code or any part thereof and any amendment thereto is held invalid or  
27 unconstitutional or its application to any person or circumstance is held  
28 invalid or unconstitutional, it shall be conclusively presumed that the  
29 legislature would have enacted the remainder of the code without such  
30 invalid or unconstitutional provision.

31 Sec. 2. This act shall take effect and be in force from and after its  
32 publication in the statute book.