

LEGAL UPDATES

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Kansas Governor Implements Plan to Re-Open Kansas; Johnson and Wyandotte Counties Extend Shelter-In-Place Orders

On April 30, Governor Laura Kelly Issued Executive Order No. 20-29 which implements Phase One of “Ad Astra: A Plan to Reopen Kansas.” The Governor also released a twenty-eight page plan detailing all phases and providing public health guidance. At this time, the Reopening plan does not apply to Johnson County or Wyandotte County as both counties have extended the State Stay-At-Home Order through May 10.

Kansas Reopening Plan

Effective Monday, May 3, most businesses and venues may re-open, and non-essential activities may resume, if they may maintain six feet of distance between customers and individuals, follow fundamental cleaning and public health practices as outlined by the Kansas Department of Health, and avoid instances where groups of more than 10 individuals are in one location and unable to maintain six feet distance. This does not limit the total occupancy of a business, but restricts how many may occupy a single area where social distancing may not be maintained.

Guidance for all businesses includes routinely cleaning frequently touched surfaces, providing disinfectant wipes, encouraging social distancing, discouraging shared equipment, displaying educational materials to encourage employees to stay home when sick, instructing employees to clean their hands often, providing soap and water and sanitizer. Businesses are also encouraged to continue the use of telework and to use variable work schedules. The use of face masks, incorporating barriers between spaces, and reconfiguring spaces to

enable social distancing is encouraged as well. Businesses should also create a plan for a potential outbreak.

Governor Kelly's Order also provides that businesses should follow these industry specific guidelines:

Construction

Manufacturing

Real Estate, and Appraisers, and Home Inspectors

Retail Stores

Professional Services

Maintenance and Repair Services

Logistics and Distribution

Personal Services

Health Care Kansas Department of Health and CDC Guidance

Assisted Living Centers Kansas Department of Health Guidance

Dental Offices Kansas Department of Health, ADA, and Kansas Dental Association Guidance

Drug Stores/Pharmacies CDC Guidance

Mental and Behavioral Health Kansas Department of Health Guidance

Nursing Homes/Disability Care Centers Kansas Department of Health Guidance

Restaurants and Food Industries CDC Guidance and FDA guidance; Food Processing Sector CDC Guidance; Meat Processing CDC Guidance; Spice, Coffee, Specialty Food Processing CDC Guidance; and Restaurants

Veterinarians and Pet Grooming, Training, Boarding, and Walking

Hospitality Sector, including Hotels, Motels, Conference Centers, and Airbnb

Museums, Historical Sites, and Galleries

Religious and Community Organizations

Businesses are also strongly encouraged to follow any additional industry best practices guidance.

A number of businesses must remain closed, unless they may be repurposed in a manner that would qualify as essential function as defined in the Kansas Essential Function Framework (KEFF). The businesses that must remain closed include: bars and night clubs (except for already operating curbside and carryout service); casinos (non-tribal); theaters, museums, and other indoor leisure spaces such as arcades, and trampoline parks; fitness centers and gyms; and nail salons, barber shops, hair salons, tanning salons, tattoo parlors, and other personal service businesses where close contact cannot be avoided.

Further, community centers, outdoor and indoor large entertainment venues with capacity of 2,000 or more, fairs, festivals, carnivals, parades, graduations, swimming pools, organized sports facilities and tournaments, and summer camps must remain closed to the public, unless repurposed in a manner that would qualify an essential function under KEFF.

Local authorities are permitted to implement more restrictive measures but must continue to allow essential functions under KEFF to operate.

KEFF defines four core areas as essential: (1) “Connect,” which includes functions surrounding telecommunications services, (2) “Distribute,” which includes functions related to distribution of electricity and transportation of passengers or cargo, (3) “Manage,” which includes certain governmental functions such as law enforcement, the protection of sensitive information, the preservation of constitutional rights; and (4) “Supply,” which includes functions pertaining to certain supplies including fuel, housing, food products, defense, and research and development.

The Order also continues to limit mass gatherings to ten people.

Johnson and Wyandotte Counties

While Kansas has enacted a plan to re-open the state on May 3, Johnson County and Wyandotte County issued extensions to the Kansas Stay-At-Home Order. In both counties, individuals remain under an order to stay at home except for essential activities, and only businesses deemed “essential” under the KEFF may continue to operate. All businesses that had previously been deemed essential by the state may continue operations, and future inquiries should be directed to the County. The County Order is in effect until Sunday, May 10 at 11:59 PM.

See our additional guidance for Missouri and Kansas City, Mo.

Contact us

If you have further questions or require more information regarding this update, please contact Jeff Simon, Kirstin Salzman, Natalie Holden or your Husch Blackwell attorney. Visit our Kansas State-by-State COVID-19 Guidance page for frequently updated information.

COVID-19 Return-to-Work Resource

For the many businesses that partially or completely shuttered their on-site operations due to government-mandated COVID-19 orders, transitioning employees back to the workplace is an unprecedented and complex endeavor. Husch Blackwell's Return-to-Work Resource Center provides best practices, answers to common questions and potential issues to consider.