

## KANSAS – COVID-19 – Back to Business Orders

Updated 12/8/20

### EXECUTIVE ORDERS

<https://governor.kansas.gov/newsroom/executive-orders/>

### AD ASTRA REOPENING SITE

<https://covid.ks.gov/ad-astra-a-plan-to-reopen-kansas/>

### AD ASTRA REOPENING PLAN AND GUIDANCE

<https://covid.ks.gov/wp-content/uploads/2020/05/Reopen-Kansas-Framework-v7.pdf>

<https://covid.ks.gov/reopen-page/>

GENERAL TOPIC	SUMMARY	
General	<p>Kansas implemented a five-phase reopening plan, pursuant to Ad Astra: A Plan to Reopen Kansas, in May 2020. As of May 26, 2020, the statewide order to follow the phased in plan became an advisory guide for county officials — not a statewide mandate. See <a href="#">Announcement</a>.</p> <p>For business safety guidelines see <a href="#">Business Guidance</a>. Decisions about restrictions and reopenings are made at the county level. See <a href="#">County Dashboard</a> for reopening plans by county.</p>	
Stay at Home	<p>Stay at home order (EO 20-16, 20-24) was rescinded by EO 20-29. Individuals continue to be “strongly encouraged” to follow guidance.</p>	
Gatherings	<p>Under the Ad Astra reopening plan, there were statewide limits on gatherings, different by phases.</p> <p>After the Ad Astra reopening plan was made advisory, gathering limits are established by county.</p>	
Businesses - Generally	<p>Prior closure orders had closed only certain businesses; there was not a broad-based closure of all nonessential businesses.</p> <p>Kansas implemented a five-phase reopening plan, pursuant to Ad Astra: A Plan to Reopen Kansas, in May 2020. As of May 26, 2020, the statewide order to follow the phased in plan became an advisory guide for county officials — not a statewide</p>	

Disclaimer: The information provided in this handout is general information and not designed to be and should not be relied on as your sole source of information when analyzing and resolving a specific legal issue. Each fact situation is different; the laws are constantly changing. If you have specific questions regarding a particular fact situation, we urge you to consult with legal counsel.

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GENERAL TOPIC	SUMMARY	
	<p>mandate. See <a href="#">Announcement</a>. After May 26, 2020, decisions about restrictions and reopenings are made at the county level. See <a href="#">County Dashboard</a> for restrictions by county.</p> <p>For business safety guidelines, see <a href="#">Business Guidance</a>. All employers are “strongly encouraged” to follow guidance.</p>	
Travel	<p>Kansas Department of Health guidance describes the following as a mandate, but also uses the word “should.” It is thus not clear if this is a mandate or advisory.</p> <p>Visitors and residents should quarantine for 14 days upon arrival if they have been on a cruise ship or river cruise, or attended out-of-state gatherings of 500 people or more where individuals were not both wearing masks and practicing social distancing.</p> <p>See <a href="#">Travel Restrictions</a>, <a href="#">Travel Related Quarantine - 12.1.20</a>, <a href="#">Updated Travel guidance - 12/8/20</a></p>	
Face Coverings	<p>An executive order issued in July 2020 and reissued in November 2020 requires individuals over the age of five to wear masks in indoor public settings and outdoors when social distancing is not feasible, subject to certain exemptions. It also mandates that businesses require employees and patrons to wear face coverings in certain settings. See <a href="#">EO 20-52</a> and <a href="#">EO 20-68</a></p> <p><a href="#">Counties</a> can opt out or issue their own mask orders. See <a href="#">County Dashboard</a> for mask orders by county.</p>	
Other	<p>Local governments may impose more restrictive orders, but must permit essential functions to continue.</p> <p>See <a href="#">County Dashboard</a>.</p>	

DEFINITIONS/APPENDIX		
Kansas Essential Function Framework	The applicable list of essential functions was outlined in EO 20-16 prior to its expiration. While the substantive provisions of that order no longer apply, the KEEF functions listed in the	

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<p>("KEFF") – See Order 20-16 for details</p>	<p>order are the essential functions that local governments must continue to allow.</p> <p>KEFF sets out the categories of “essential” or “critical” businesses. Was developed by reference to CISA Guidance: <a href="https://www.cisa.gov/sites/default/files/publications/national-critical-functions-set-508.pdf">https://www.cisa.gov/sites/default/files/publications/national-critical-functions-set-508.pdf</a>. Focuses on four functional areas:</p> <ul style="list-style-type: none"> <li>• (1) Connect (includes technology, radio, TV, internet, etc.),</li> <li>• (2) Distribute (includes transportation, electricity, etc),</li> <li>• (3) Manage (includes infrastructure, government, financial, insurance, medical, etc), and</li> <li>• (4) Supply (includes food, housing, fuel, materials, water, etc.).</li> </ul> <p>See Order 20-16 for details.</p>	
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**DISCLAIMER:** *This information is provided for convenience only, and should not be relied upon in making decisions for your business. As this is a rapidly changing area, reference should always be made to the official order and related interpretative guidance. If you have specific questions about how any particular jurisdiction’s Order affects your business, or other COVID-19 topics, please contact a member of the Holland & Knight’s COVID-19 Response Team – State and Local Orders and Regulations.*

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