STATE OF KANSAS

CAPITOL BUILDING, ROOM 241 SOUTH
TOPEKA, KS 66612

PHONE: (785) 296-3232
GOVERNOR.KANSAS.GOV

GOVERNOR LAURA KELLY

EXECUTIVE ORDER NO. 20-16

Establishing a statewide "stay home" order in conjunction with the Kansas Essential Function Framework for COVID-19 response efforts

WHEREAS, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration's top priority;

WHEREAS, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

WHEREAS, the United States Department of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 105,000 cases of the illness and more than 1,700 deaths as a result of the illness across the United States;

WHEREAS, the World Health Organization declared a pandemic on March 11, 2020;

WHEREAS, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020;

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 50 1 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (the "Stafford Act");

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

WHEREAS, as of this date, there have been 202 reported positive cases of COVID-19 in Kansas spread among 31 counties;

WHEREAS, in order to mitigate the spread of COVID-19, health officials in several Kansas counties have issued differing "stay home" orders directing citizens to remain in their homes except to conduct essential activities;

WHEREAS, the continued spread of COVID-19 throughout Kansas and the potential for further spread in the days and weeks ahead threatens local health care systems with overload of hospital

beds, personal protective equipment, testing and treatment supplies, and other critical resources for responding to the COVID-19 pandemic;

WHEREAS, in order to create uniformity in the state of Kansas, a state-wide order is necessary;

WHEREAS, consistent exemptions for certain essential functions is critical to the ability of government entities and private enterprises to work together to slow the spread of COVID-19 and mitigate its effects;

WHEREAS, seeking shelter in our homes is shown to be the most effective way to reduce the spread of this infectious disease and Kansas residents will be most safe in their homes;

WHEREAS, where it becomes necessary for local health officials to limit citizens' ability to leave their homes, it remains critical to the COVID-19 pandemic response that a uniform "stay home" order and framework for essential functions exists to secure the safety and protection of the civilian population; and

WHEREAS, in these challenging times this Administration will do whatever it can to avoid immediate dangers to the health, safety, and welfare of Kansans, including providing guidance and support for local authorities who are making difficult and important decisions to protect the health and safety of their populations, as well as certainty to the broader population that essential functions will not be interrupted.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A 48-924 and K.S.A 48-925, in order to slow the spread of COVID-19 I hereby direct and order the following:

1. To preserve the public health and safety for all Kansans, and to ensure the healthcare system is capable of serving all citizens in need, especially those at high risk and vulnerable to COVID-19, all individuals within the state of Kansas are directed to stay in their homes or residences unless performing an essential activity. An activity is essential if the purpose of the activity is one of the following:

    a. Obtaining food, medicine, and other household necessities;

    b. Performing, or going to or from work at a business or organization to perform, an essential function as identified in the Kansas Essential Function Framework ("KEFF") as laid out in paragraph 9 below;

    c. Seeking medical care;

    d. Caring for children (including daycare or childcare centers), family members, or pets, or caring for a vulnerable person in another location;

    e. Engaging in an outdoor activity, provided individuals maintain a distance of six feet from one another and abide by the 10-person limitation on gathering size.

f. Nothing in this order or any other executive order, including Executive Order 20-14, prevents families from gathering privately.

2. Nothing in this order shall restrict, limit, or supersede the Secretary of Health and Environment's authority to make isolation, quarantine, or other orders restricting movement as necessary to respond to escalating or worsening conditions in any local jurisdiction.

3. Nothing in this order shall prohibit the conduct of business, government, or other operations or activities through telework, telecommunications, or other work-from-home capabilities that allow compliance with the requirements of paragraph 1. Travel to and from work to pick up equipment or supplies needed for telework or other work-from-home capabilities is allowed so long as employees and employers follow appropriate safety protocols, including maintaining a six-foot distance between individuals and following other directives regarding social distancing, hygiene, and other efforts to slow the spread of COVID-19

4. This order should be read in conjunction with previous executive orders responding to the COVID-19 pandemic. Any contrary provision in previous executive orders, including Executive Order 20-15 ("Establishing the Kansas Essential Functions Framework for COVID-19 response efforts"), is superseded by this order.

5. While this order is in effect it supersedes all local "stay home" or similar orders prohibiting citizens from leaving their homes in order to slow the spread of COVID-19 and no such order shall continue in force or effect. Any local "stay home" or similar orders currently in effect that expire after the date this order expires or is rescinded may resume in force and effect after this order expires or is rescinded. While this order is in effect no local jurisdiction shall issue or enforce any more or less restrictive "stay home" or similar orders. Local authorities retain any authority to issue or enforce isolation or quarantine orders.

6. KEFF is a framework for identifying and continuing essential functions that must remain operational to maintain critical services and infrastructure during the COVID-19 pandemic.

7. KEFF was developed with reference to United States Department of Homeland Security critical function guidelines established for pandemic and other disaster response efforts.

8. KEFF focuses on four functional areas: *Connect*, *Distribute*, *Manage*, and *Supply*. KEFF organizes each area into a taxonomy so that each function can be easily referenced.

9. The KEFF essential functions listed below are exempt from the prohibitions in this order, subject to the following provisions:

    a. No individual leaving their home in order perform an activity or function allowed under this order shall be required to carry or present any letter, identification card, or other paper proving that they are allowed to leave their home. Law enforcement officers enforcing this order should use their discretion and consider the totality of the circumstances as they determine appropriate enforcement action.

b. No prior approval is required for individuals or entities to perform essential functions listed in the KEFF below. Individuals or entities who are uncertain whether they perform functions exempted from the prohibitions of this order may email KEFF@ks.gov to determine whether their functions are deemed essential.

c. All individuals performing essential functions authorized by this order must—to the extent possible without significant disruption to essential functions—use telework capabilities to avoid meeting in person; and any essential functions being performed on-site or in-person must—to the extent possible without significant disruption to essential functions—follow appropriate safety protocols, including maintaining a six-foot distance between individuals and following other directives regarding social distancing, hygiene, and other efforts to slow the spread of COVID-19.

KEFF 100 CONNECT

1. Operate Core Information Technology Networks
2. Provide Cable Access Network Services
3. Provide Internet Based Content Information and Communication Services
4. Provide Internet Routing, Access, and Connection Services
    a. Cybersecurity & Infrastructure Security Agency
5. Provide Positioning, Navigation, and Timing Services
6. Provide Radio Broadcast Access Network Services (includes Traditional Television)
7. Provide Satellite Access Network Services
8. Provide Wireless Access Network Services
9. Provide Wireline Access Network Services

KEFF 200 DISTRIBUTE

1. Distribute Electricity
2. Maintain Supply Chains for Essential Functions and Critical Infrastructure (as defined by DHS)
3. Transmit Electricity
4. Transport Cargo and Passengers by Air
    a. Manufacture, distribute, sell, or maintain aircraft or aircraft parts

5. Transport Cargo and Passengers by Rail

    a. Manufacture, distribute, sell, or maintain trains or train parts

6. Transport Cargo and Passengers by Road

    a. Operate or maintain gas stations and associated convenience stores and restaurants (but only as allowed in KEFF 400.6.b)

    b. Deliver mail, packages, food, groceries, beverages, or other cargo (this applies to transportation by air, rail or vessel as well)

    c. Manufacture, distribute, sell, or maintain automobiles or automobile parts

    d. Transport farm equipment, supplies, seed, and personnel to farming operations

7. Transport Cargo and Passengers by Vessel

    a. Manufacture, distribute, sell, or maintain cargo or passenger vessels or parts for such vessels

8. Transport Materials by Pipeline

9. Transport Passengers by Mass Transit

KEFF 300 MANAGE

1. Conduct Elections

2. Operate Media Outlets

3. Develop and Maintain Public Works and Support Services for Essential Functions

4. Educate and Train Essential Functions Personnel

5. Enforce Law

6. Maintain Access to Medical Records

7. Manage Hazardous Materials and Waste

8. Manage Wastewater

9. Operate Government

    a. Perform government contracts

b. Operate public and private schools to the extent allowed by other executive orders, including Executive Order 20-07, and under direction of the State Board of Education, the State Department of Education, and Kansas Board of Regents.

c. Perform the essential operations of State, county, and municipal governments

d. Operate State Constitutional offices

10. Perform Cyber Incident Management Capabilities

11. Prepare for and Manage Emergencies

a. Manage or operate planning, cleanup, or other emergency responses, including private entities.

12. Preserve Constitutional or Legal Rights

a. Manufacture or sell firearms, firearm accessories, or ammunition

b. Perform or attend religious or faith-based services or activities

c. Perform legal services

13. Protect Sensitive Information

14. Provide and Maintain Critical Infrastructure

a. Construct or repair roads

b. Construct, maintain, or clean buildings

c. Produce or distribute construction materials

d. Maintain specialized manufacturing or industrial equipment

15. Provide Capital Markets and Investment Activities

a. Perform accounting services

16. Provide Consumer and Commercial Banking Services

17. Provide Funding and Liquidity Services

18. Provide Identity Management and Associated Trust Support Services

19. Provide Insurance Services

20. Provide Medical Care and Services, Including Mortuary Services

a. Provide pharmaceutical services

b. Provide funeral or memorial services

21. Provide Payment, Clearing and Settlement Services

22. Provide Public Safety

23. Provide Wholesale Funding

24. Store Fuel and Maintain Reserves

25. Support Community Health and Mental Health Services

    a. Operate laundry services

KEFF 400 SUPPLY

1. Exploration and Extraction of Fuels

2. Fuel Refining and Processing Fuels

    a. Produce or deliver propane or natural gas

3. Generate Electricity

4. Manufacture Equipment Used for Essential Functions or Critical Infrastructure (as defined by DHS)

5. Produce and Provide Agricultural Products and Services

    a. Manufacture or maintain agricultural equipment

    b. Manufacture or distribute agricultural supplies such as seeds and chemicals

    c. Raise, process, or distribute poultry, livestock, or other animals for human consumption

    d. Prepare, till, plant, maintain, or harvest grains, fruits, or vegetables

6. Produce and Provide Human and Animal Food Products and Services

    a. Manufacture or process food or food products

    b. Prepare or serve meals for takeout or delivery

    c. Sell groceries, including alcoholic beverages (not for on-site consumption)

7. Produce Chemicals

8. Provide Metals and Materials

9. Provide Housing

    a. Operate or maintain rental property

    b. Operate or maintain student housing

    c. Operate or maintain long-term care or senior living facilities

    d. Construct, supply, clean, or maintain single family homes or other housing

    e. Provide real estate services

    f. Operate or maintain housing shelters or charities

    g. Operate or maintain animal shelters

    h. Operate or maintain hotels or motels

10. Provide Information Technology Products and Services

11. Provide Material and Operational Support to Defense

12. Research and Development

13. Supply Water

This document shall be filed with the Secretary of State as Executive Order No. 20-16. It shall become effective as of 12:01 a.m. on March 30, 2020 and remain in force until rescinded, until April 19, 2020, or until the statewide State of Disaster Emergency proclaimed on March 12, 2020, relating to COVID-19 expires, whichever is earlier. This order may be extended as circumstances dictate.

THE GOVERNOR'S OFFICE

BY THE GOVERNOR Laura Kelly

DATED 3.28.2020

FILED
MAR 28 2020
SCOTT SCHWAB
SECRETARY OF STATE

Scott Schwab
Secretary of State

Bryan A. Caskey
Assistant Secretary of State