Things to Know about Executive Order 20-29 and the Reopen Kansas Framework

What is a Mass Gathering Under EO 20-29?

A Mass Gathering is when individuals are in one location (it does not matter if the location is inside or outside) and are unable to maintain a 6-foot distance between individuals who do not live together with only infrequent or incidental moments of closer proximity.

Does this mean that there might be instances where more than 10 people can be in the same place?

Yes, but they must maintain a 6-foot distance. When this is impossible in a restaurant (think booths), restaurants can meet this 6-foot distance requirement by instead using physical barriers sufficient to prevent virus spread. Barriers are not required if the tables are 6 feet apart.

Do entities performing essential functions have to comply with the new Mass Gathering Rules under 20-29?

It appears reading the plain text of the Executive Order that all entities allowed to operate are to be treated equally and must comply with the new Mass Gathering Rules. This means that Churches, for example, would be allowed to hold a service with more than 10 individuals if the individuals are able to maintain a 6-foot distance between individuals who do not live together. It also means that as offices reopen, if the office has more than 10 individuals, the office will have to be able to comply with the requirements of maintaining a 6-foot distance between employees and customers. In the additional information on the state’s new COVID website; however, there is a statement that all industries that were already in operation pursuant to the Kansas Essential Functions Framework may continue to function but should avoid, when possible, gatherings of more than 10 individuals when social distancing measures are difficult to maintain.

Are there restrictions on Total Business Occupancy under 20-29?

No, but businesses must maintain at least 6 feet of distance between customers or groups of customers, follow fundamental cleaning and public health practices detailed on covid.ks.gov; and avoid any instances in which groups of 10 individuals re in one location and unable to maintain a 6-foot distance with only infrequent or incidental moments of closer proximity.

Are there any businesses that can’t open in Phase One?

In Phase One, Bars and night clubs, excluding already operating curbside and carryout services; casino (non-tribal); theaters, museums, and other indoor leisure spaces (trampoline parks, arcades, etc.), fitness centers and gyms; nail salons, barber shops, hair salons, tanning salons, tattoo parlors, and other personal service businesses where close contact cannot be avoided.

The following must also remain closed unless repurposed for use under an essential function.

1. Community Centers
2. Outdoor and indoor large entertainment venues with capacity of 2,000 or more
3. Fairs, festivals, carnivals, parades, commencements, and graduations
4. Swimming Pools (other than backyard pools)
5. Organized sports facilities and tournaments;
6. Summer Camps
Can local governments make stricter rules than the Governor?
Yes, but these rules may not affect or regulate essential functions in a way that significantly disrupts performance of the essential function. A list of essential functions can be found in EO 20-16.

When will Phase One end?
No earlier than May 18, 2020. The Governor will announce the progression to Phase 2 with a new executive order. This will be determined by looking at disease spread, hospitalizations, and total deaths.

Who can enforce EO 20-29?
EO 20-29 says that enforcement of EO 20-29 should be done by law enforcement at their discretion after consultation with their legal counsel.

Do local health officers retain the ability to impose additional public health interventions in areas that contain an emergent and significant public health risk?
Yes.

Are masks required?
Masks are strongly encouraged by not required.

What about Travel?
All nonessential travel should be minimized or eliminated.

What about telework?
Telework is strongly encouraged for all employees when possible.

Should we send sick employees' home?
Yes.

When can organized youth sports resume?
Organized sports facilities and tournaments are tentatively scheduled to resume in Phase 2. The Governor’s office weighed in today that Individual teams CANNOT practice under Phase 1 even if the team meets all the Mass Gathering Requirements.