EMERGENCY ORDER OF LOCAL HEALTH OFFICER

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Emergency Public Health Order issued on this 30th day of April 2020 to mitigate the spread of the Coronavirus (COVID-19) pandemic in Johnson County, Kansas, pursuant to the authority provided in K.S.A. 65-119, K.S.A. 65-129b and K.S.A. 65-202 and other applicable laws or regulations. This Order applies to the entire geographic boundaries of Johnson County, Kansas and to all Johnson County residents, visitors and businesses.

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WHEREAS, the Local Health Officer is authorized and required, pursuant to K.S.A. 65-119, K.S.A. 65-129b and K.S.A. 65-202 and other applicable laws or regulations to immediately exercise and maintain supervision over known or suspected cases of any infectious or contagious disease during its continuance, and to use all known measures to prevent the spread of any such infectious, contagious or communicable disease and to issue orders seeing that all such cases are properly handled and that the provisions of the Kansas public health laws as to isolation, quarantine and disinfection are duly enforced; and

WHEREAS, the Local Health Officer is appointed by the Board of County Commissioners and is authorized to prohibit public gatherings when necessary for the control of any and all infectious or contagious diseases, pursuant to K.S.A. 65-119; and

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 501 (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 that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

WHEREAS on the 19th day of March 2020, the Board of County Commissioners of Johnson County, Kansas issued a disaster emergency declaration finding that a disaster had occurred, or the threat thereof was imminent within Johnson County, Kansas as a result of the Coronavirus pandemic (COVID-19) and the confirmed outbreak and person-to-person spread of COVID-19 in the United States, Kansas and Johnson County; and
WHEREAS, COVID-19, is a respiratory disease that spreads easily from person to person and may result in serious illness or death, and it has been confirmed in Kansas and in Johnson County, resulting in serious illness and deaths; and

WHEREAS, such conditions endanger the health, safety and welfare of persons and property within the border of Johnson County, Kansas; and

WHEREAS, to reduce spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC), the Kansas Department of Health and Environment (KDHE) and the Johnson County Local Health Officer, all recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing in smaller gatherings; and

WHEREAS, the worldwide outbreak of COVID-19 and the resulting epidemic in Kansas and Johnson County continue to threaten the life and health of our citizens and visitors as well as the economy and remains a public disaster affecting life, health, property and the public peace; and

WHEREAS, on March 22, 2020, the Local Health Officer issued an Emergency Order directing individuals to stay at home to slow the rate of community spread of COVID-19 through intensified social distancing. At the time of the March 22, 2020 Emergency Order, it was estimated that each COVID-19 positive patient could infect between 2.6 to 4 other people. Furthermore, there is emerging evidence in Johnson County of transmission by pre-symptomatic and asymptomatic people, making routine case-finding and exposure tracing strategies insufficient. Social distancing strategies are effective when implemented early enough-- ideally within two weeks of the first case and are key to flattening the epidemic curve to prevent overwhelming our local health care system’s ability to care for the proportion of residents who develop severe symptoms. Despite initial enactment of Public Health Orders (schools, bars and restaurants), lack of available metrics to monitor the effect of these measures and the potential dire consequences of delay led the public health community across metropolitan Kansas City and elected officials to conclude that further delay could lead to excess mortality. Early implementation of this strategy is even more important in the context of limited testing capacity, as is the case in the Kansas City metropolitan area. With full community cooperation, this proactive public health order can minimize the impact of COVID-19 on our Johnson County community; and

WHEREAS, to mitigate the spread of COVID-19 throughout Kansas, on March 28, 2020, Governor Laura Kelly issued Executive Order No. 20-16 establishing a statewide “stay home” order in conjunction with the Kansas Essential Function Framework (KEFF) for COVID-19 response efforts; and

WHEREAS, on April 16, 2020, Governor Kelly issued Executive Order No. 20-24, thereby extending Executive Order No. 20-16 until 11:59 p.m. on May 3, 2020; and
WHEREAS, the White House has established "gating criteria" for COVID-19 symptoms, cases, and hospitalizations that should be satisfied before removing "stay at home" limitations and reopening, https://www.whitehouse.gov/openingamerica/; and

WHEREAS, while Johnson County data on COVID-19 symptoms, cases, and hospitalizations indicates a downward trajectory within the County, the Kansas City metropolitan community has not yet demonstrated this same trajectory. Current data indicates that the gating criteria have not been met regionally and that neighboring communities continue to experience higher case levels than Johnson County. COVID-19 is easily transmitted in the region due to the ease and frequency of travel among and between Johnson County and neighboring counties. The level of ongoing cases in the region necessitates the extension of a stay at home order to continue minimizing the impact of COVID-19 on our Johnson County community; and

WHEREAS, extension of the Governor's Executive Order No. 20-16 for an additional week is needed to continue mitigation of COVID-19 in the Johnson County community.

NOW, THEREFORE, BE IT ORDERED by the Local Health Officer, pursuant to the above authorities, that:

1. The terms and conditions of Governor Kelly’s Executive Order No. 20-16 and No. 20-24 are hereby extended in Johnson County for an additional week from 12:01 a.m. Monday, May 4, 2020 through 11:59 p.m. Sunday, May 10, 2020, with the following conditions:
   a. All previous determinations made by the State of Kansas under the Kansas Essential Function Framework (KEFF) regarding whether a business or activity is essential shall remain in full force and effect. Businesses and individuals who have previously received KEFF determinations do not need to reapply or take any further action under this Order.
   b. During the effective period of this Emergency Order, all new requests for determinations as to whether a business or activity is essential under KEFF shall be directed to Johnson County.

2. For the duration of this order, all large public gatherings of people in the County are prohibited unless otherwise ordered by the Local Health Officer. Large public gatherings are those with more than ten (10) people in attendance or anticipated to attend, both indoor and outdoor. A "gathering" does not include normal operations at spaces where persons may be in transit or coming and going individually or in groups of less than ten (10) persons. For all gatherings of people, the Social Distancing Requirements shall be followed to the extent possible and the health officer strongly encourages everyone to follow any other social distancing and sanitation guidance provided by the Centers for Disease Control and Prevention (CDC), and federal, state and local public health officials and private medical providers. Essential functions and businesses excepted under KEFF will be excepted during the effective period of this Emergency Order, subject to the Social Distancing Requirements stated herein.

For purposes of this Order, "Social Distancing Requirements" means maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least
twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands. When the above-mentioned social distancing is not possible due to the nature of the activity, e.g. delivery of professional personal services, both those delivering and receiving the service should make appropriate use of personal protective equipment, following the guidelines of their professional organization or, if none exist, following the public health recommendations of the Kansas Department of Health and Environment.

3. Pursuant to K.S.A. 65-129b, any sheriff, deputy sheriff or other law enforcement officer of the state or any political subdivision within Johnson County, Kansas is hereby ordered to assist in the execution or enforcement of this order. Pursuant to K.S.A. 65-129c an individual or group of individuals isolated or quarantined may request a hearing in district court contesting the isolation or quarantine, as provided in K.S.A. 60-1501 et seq.

4. This Order may be amended, supplemented or modified and additional guidance or advisory statements may be given by the Local Health Officer as required for the effective and efficient management and control of COVID-19 in the County. Any such orders, guidance, and advisories shall be deemed to be a part of this Order by reference, unless otherwise indicated.

5. This Order is subject to any applicable executive order issued by the President of the United States or by the Kansas Governor, and to any or law or regulation that mandates a change to this Order.

6. Severability. All contents, provisions and requirements contained in this Order are severable, and in the event any of them shall be deemed or held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction or other legal authority, the remainder of this Order shall be interpreted as if such unconstitutional, invalid or unenforceable portion of the Order were not contained herein and the remainder of the Order shall remain in full force and effect.

7. This Order amends and supersedes all prior orders issued by the Local Health Officer and is effective as of 12:01 am on Monday, May 4, 2020 and shall remain in effect until 11:59 p.m. on Sunday, May 10, 2020, unless sooner amended, superseded, rescinded or extended.

IT IS SO ORDERED THIS 30TH DAY OF APRIL 2020, EFFECTIVE AS STATED ABOVE.

Dr. Joseph LeMaster
Johnson County Local Health Officer