



A Kansas Twist—Reopening Plans for Kansas Counties (February 18, 2021)

By KANSAS HEALTH INSTITUTE | February 18, 2021

Update (February 18, 2021): COVID-19 vaccines are top of mind in 2021, and [cases](#) have been declining in Kansas over the past few weeks. However, the pandemic continues to cause death and disrupt communities, and cases declining since the record highs of November and early January does not mean Kansas is out of the woods. The potential effects of Super Bowl Sunday gatherings and at least one [emerging variant](#) (United Kingdom variant) being detected in Kansas will not be known for some time.

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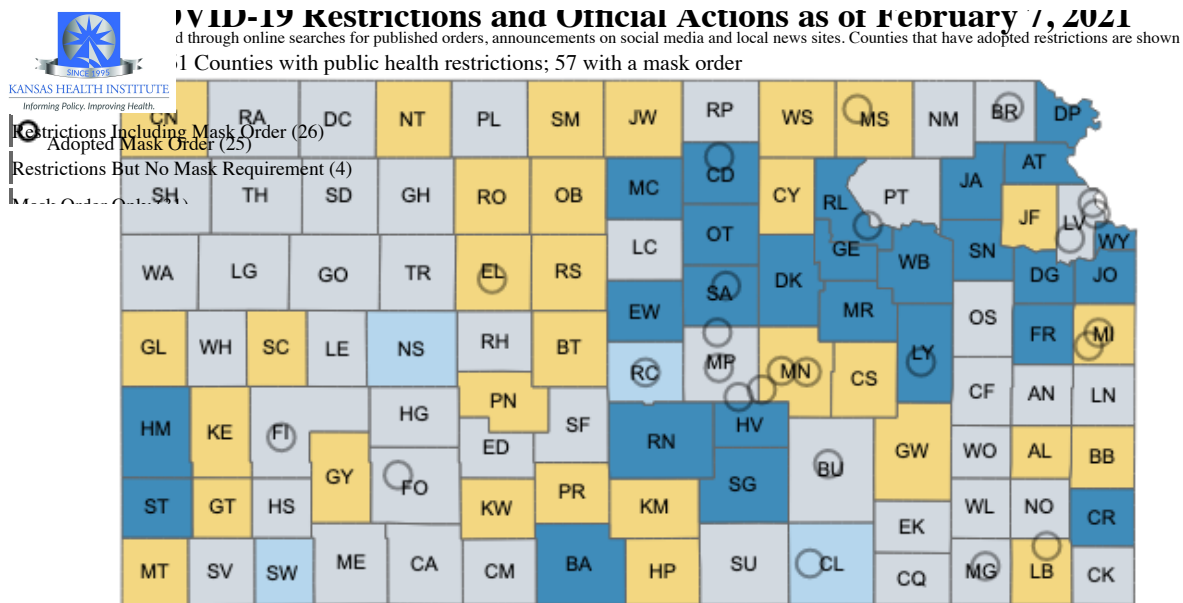
Despite this uncertainty, the vaccine rollout and decline in COVID-19 cases have some Kansas counties loosening restrictions, particularly around masks and gathering sizes, but most counties still have at least one restriction in place to mitigate the spread of COVID-19. As of February 7, 57 counties — down from 66 on December 9 — had a local mask order or the state mask mandate in place. In addition, at least 14 cities located in counties without mask orders had implemented their own mask ordinances. As a result, at least 85.6 percent of the state population (2,494,450 people) lived in a community with a mask order in place (see map below).

A summary of reopening orders for the 105 counties, as of February 7 is shown in the table [HERE](#).

COUNTY	COUNTY OFFICIAL ACTION <i>As of February 7</i>	Any Public Health Restriction	Mask Order	CATEGORIES OF RESTRICTIONS												
				Gathering Size Restriction	Restaurants/Bars/ Nightclubs	Retail	Personal Services	Fitness Centers/ Gyms/Health Clubs	Indoor/Outdoor Leisure Activities	Education/Childcare/ Summer Camp	Mass Events	Swimming Pools	Enforcement Provisions	Institutions	Other	
TOTAL:		61	57	26	12	3	6	8	9	2	13	1	16	3	2	

As of February 7, a total of 61 counties had at least one restriction in place, including the 57 counties with a mask order and four counties with other restrictions but no mask order. Separate from mask orders, 30 Kansas counties had other restrictions in place as of February 7, including on gathering size (26), restaurants/bars/nightclubs (12), retail (3), personal services (6), fitness centers/gyms/health clubs (8), indoor/outdoor leisure/entertainment activities (9), education/childcare (2), mass events (13), enforcement provisions (16), institutions such as senior living, long term care and jails (3), and other (2).

Public health officials have expressed concerns about the [new coronavirus variants](#) circulating globally, including the United Kingdom, South Africa and Brazil variants. While some of these variants may spread more easily, studies thus far have suggested that the current vaccines provide some protection, particularly against severe outcomes such as hospitalization or death.



Note: Information was collected through online searches for published Board of County Commissioner meeting minutes, orders, announcements on social media and local news sites. Counties and cities may have policies in place that were not identified by this approach and therefore are not identified properly. Actions taken by local school boards and additional school district-specific requirements were not collected. Information presented was current as of February 7 but is sure to change. Check back here for updates. Population numbers for counties used in this report were obtained [here](#). Population numbers for incorporated places used in this report were obtained [here](#).

Source: KHI analysis of data from the U.S. Census Bureau 2019 Annual Estimates of the Resident Population for Incorporated Places in Kansas and the U.S. Census Bureau 2019 Annual Estimates of Counties in Kansas.

Update (December 21, 2020): Got Masks?

With the surge of [COVID-19 cases](#), hospitalizations on the rise and a vaccine distribution beginning, Kansas counties are taking aggressive action to mitigate the spread of COVID-19. As of December 9, 66 counties — up from 24 on October 15 — had a mask order in place. In addition, at least eight cities located in counties without mask orders had implemented their own mask ordinances. As a result, at least 86.8 percent of the state population (2,529,291 people) lived in a community with a mask order in place (see map below).

Governor Laura Kelly's [Executive Order 20-68](#) ("second mask order") requires masks to be worn in public and went into effect on Wednesday, November 25, in any county that did not proactively opt out of the order, unless a local order already required masks be worn in public. Thirty-eight counties had a local mask order in place, many of which were nearly identical to the state order; 28 counties let the state mask order go into effect; and 39 counties opted out of the order.

As of December 9, a total of 70 counties had restrictions in place, including the 66 counties with a mask order in place and four counties with restrictions but no mask order. Separate from mask orders, 34 Kansas counties had other restrictions in place as of December 9, including on gathering size (29), restaurants/bars/nightclubs (15), retail (4), personal services (7), fitness centers/gyms/health clubs (9), indoor/outdoor leisure/entertainment activities (7), education/childcare (3), mass events (16), enforcement provisions (16), institutions such as senior living, long-term care and jails (3), and other (1).

Meanwhile, on December 2, the U.S. Centers for Disease Control and Prevention (CDC) issued guidelines that [provide options](#) to shorten the quarantine period for people exposed to COVID-19 from 14 days to 7 days for persons who test negative on or after day 5, and to 10 days for persons who are not subsequently tested. The Kansas Department of Health and Environment ([KDHE](#)) continues to recommend a 14-day quarantine following exposure. However, the state has adopted as policy the CDC guidance with some modifications such as specifying to test after day 5 (not on day 5) and providing eligibility guidelines. Local health

departments may choose to opt into the KDHE guidance. Based on a recent survey and supplemental research, 82 responding counties reported:

- 47 counties had adopted without modification the KDHE shortened quarantine guidance;
- 21 counties had modified the KDHE shortened quarantine guidance to allow only a 10-day quarantine period;
- 12 counties had not adopted a shortened quarantine policy; and
- 2 counties had adopted their own shortened quarantine policies.

A summary of reopening orders for the 105 counties, as of December 9 is shown in the table [HERE](#).

COUNTY	COUNTY OFFICIAL ACTION <i>As of December 9</i>	CATEGORIES OF RESTRICTIONS													
		Any Public Health Restriction	Mask Order	Gathering Size Restriction	Restaurants/Bars/ Nightclubs	Retail	Personal Services	Fitness Centers/ Gyms/Health Clubs	Indoor/Outdoor Leisure Activities	Education/Childcare/ Summer Camp	Mass Events	Swimming Pools	Enforcement Provisions	Institutions	Other
TOTAL:		70	66	29	15	4	7	9	7	3	16	1	16	3	1

KANSAS COVID-19 Restrictions and Official Actions as of December 9

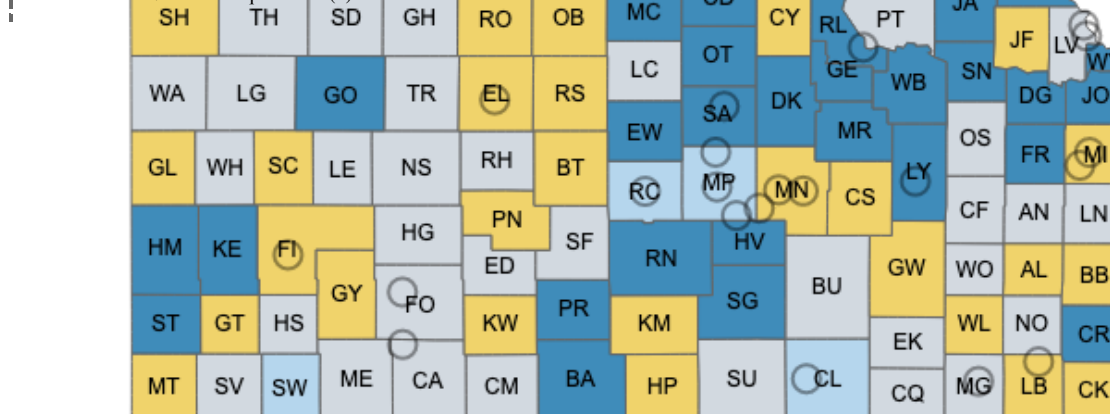
Information collected through a survey in collaboration with the Kansas Association of Counties and is supplemented with online searches for published orders.

Cumulative - 70 Counties with public health restrictions; 66 with a mask order

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Restrictions Including Mask Order (30)
Adopted Mask Order (24)

Restrictions But No Mask Requirement (4)



Map updated December 18

Note: Information was collected through a survey in collaboration with the Kansas Association of Counties and is supplemented with online searches for published orders, announcements on social media and local news sites. Counties and cities may have policies in place that were not identified by this approach and therefore are not identified properly. Actions taken by local school boards and additional school district-specific requirements were not collected.

Information presented was current as of December 9 but is sure to change. Check back here for updates. Population numbers for counties used in this report were obtained [here](#). Population numbers for incorporated places used in this report were obtained [here](#).

Source: KHI analysis of data from the U.S. Census Bureau 2019 Annual Estimates of the Resident Population for Incorporated Places in Kansas and the U.S. Census Bureau 2019 Annual Estimates of Counties in Kansas.

(Update October 23, 2020) Mask Orders/School Mitigation Edition

Kansas is experiencing a new surge of COVID-19 cases, particularly in rural parts of the state that previously had few cases. Experts had predicted that virus transmission might increase at the end of the summer and the beginning of the fall as temperatures dropped, children returned to school and people began to spend more time indoors. While it is still unclear how weather and temperature may affect the spread of COVID-19, some studies report that the virus could spread more efficiently in colder and drier climates.

With record numbers of COVID-19 cases being reported across the state in October, only 33 of 105 Kansas counties had at least one public health restriction in place as of October 15. Of these, 24 counties had a mask order in place, and at least eight cities (Emporia, Hays, Manhattan, Marion, Osawatomie, Paola, Parsons, Winfield) located in counties without mask orders had implemented their own mask ordinances. (While Sedgwick County has a mask order in place and has extended it through December 9, the City of Wichita's mask ordinance expired on October 21.)

As of October 15 the mask orders that were in effect covered a little more than two-thirds (2,067,968 people, or 71.0 percent) of the state population, essentially the same as two months before. Governor Laura Kelly indicated on October 21 that she wants to work with legislators to develop a bipartisan plan for a statewide mask policy.

Separate from mask orders, 23 Kansas counties had other requirements in place addressing gathering size (17), restaurants/bars/nightclubs (7), retail (2), personal services (3), fitness centers/gyms/health clubs (3), indoor/outdoor leisure/entertainment activities (4), education/childcare other than school mitigation requirements (5), mass events (10), enforcement (10), institutions such as senior living, long term care and jails (4), and other (3).

Among those requirements are orders adopted by at least two counties imposing rules for school events and sports in addition to the governor's statewide [school mitigation order](#). Conversely, as

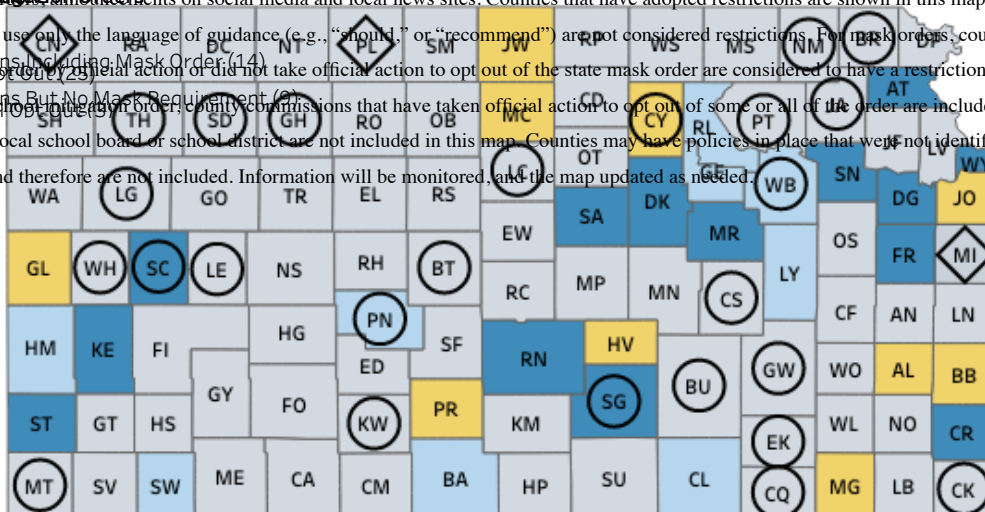
of October 15, 28 counties — up from 24 on August 11 — had actively rejected all or part of the school mitigation order, which includes mask wearing, social distancing, hand sanitization and daily temperature checks. Separate actions that may have been taken by individual school boards or school districts are not included in this count.

A summary of reopening orders for the 105 counties, as of 11:59 p.m., on October 15 is shown in the table [HERE](#).

COUNTY	COUNTY OFFICIAL ACTION As of 11:59 p.m., October 15	SCHOOL MITIGATION ORDER					CATEGORIES OF RESTRICTIONS													
		Did Not Opt Out	Partially Opted Out	Fully Opted Out	Any Public Health Restriction	Mask Order	Gathering Size Restriction	Restaurants/Bars/Nightclubs	Retail	Personal Services	Fitness Centers/ Gym/Health Clubs	Indoor/Outdoor Leisure Activities	Educational/Childcare/ Summer Camp	Mass Events	Swimming Pools	Enforcement Provisions	Institutions	Other		
TOTAL:		77	3	25	33	24	17	7	2	3	3	4	5	10	2	10	4			

County COVID-19 Restrictions and Official Actions as of October 15

Restrictions on social media and local news sites. Counties that have adopted restrictions are shown in this map, and official actions that use only the language of guidance (e.g., “should,” or “recommend”) are not considered restrictions. For mask orders, counties that either adopted the state mask order (14) or did not take official action to opt out of the state mask order are considered to have a restriction in place. For the state page is not included in this map. Counties may have policies in place that were not identified by this approach and therefore are not included. Information will be monitored, and the map updated as needed.



Map updated October 23

Note: Population numbers for counties used in this report were obtained [here](#). Population numbers for incorporated places used in this report were obtained [here](#).

Source: KHI analysis of data from the U.S. Census Bureau 2019 Annual Estimates of the Resident Population for Incorporated Places in Kansas and the U.S. Census Bureau 2019 Annual Estimates of Counties in Kansas.

(Update August 20, 2020): Back to School Edition

***Erratum (11/5/2020):** In the original table published on August 20, Grant County was incorrectly categorized as having a mask mandate. However, Grant County passed a resolution on July 2 opting out of the state mask order. This change brings the number of counties with any restrictions down from 33 to 32 and the number of counties with a mask order in place down from 25 to 24, both as of August 11. Also in the original table published on August 20, McPherson and Rush counties were incorrectly shown as opting out of the school mitigation order. This change brings the number of counties that fully or partially opted out of the school mitigation order down from 26 to 24, as of August 11. The blog post, map and accompanying table have all been corrected to reflect these changes.*

As summer comes to an end, schools across the state of Kansas have begun to reopen with a mix of in-person attendance, virtual learning and hybrid plans. While about 17 percent of school districts, primarily those located in the state's most populous counties, will begin after Labor Day for the 2020-21 school year, nearly 60 percent of Kansas students live in those school districts.

On May 26, Governor Kelly signed a new state disaster declaration shifting management and enforcement of the reopening process to the 105 Kansas counties starting May 27. [House Bill 2016](#), signed by Governor Kelly on June 8, permitted counties to issue public health orders that are less stringent than the provisions of statewide executive orders issued by the governor. The bill also required approval by the State Board of Education of any executive order issued by the governor that would close schools. On July 15, Governor Kelly announced [Executive Order \(EO\) 20-58](#) that would have delayed the start of school until at least September 8; however, the order was not confirmed due to a 5-5 vote by the State Board of Education, and as a result decisions regarding school start dates are left to local school boards.

On July 20, Governor Kelly signed [Executive \(EO\) 20-59](#), the school mitigation order, which went into effect on August 10. At the request of 22 state legislators, Attorney General Derek Schmidt subsequently issued an [opinion](#) on August 11 stating that local public schools that wish to deviate from the school mitigation requirements in EO 20-59 may adopt different or modified local requirements based on less-restrictive orders adopted by their board of county commissioners or local school boards. In addition, the opinion states that local school boards retain their preexisting statutory and constitutional authority to adopt local policies for the operation of schools and may adopt different or modified requirements under that authority, presumably including more-stringent mitigation requirements than those mandated by EO 20-59 or any less-restrictive county order.

While opinions about the appropriate timing and format for reopening schools have varied widely, a growing number of counties — at least 24 as of August 11 — have fully or partially

opted out of the governor's statewide school mitigation order, which includes mask wearing, social distancing, hand sanitization and daily temperature checks. Of these, two counties only partially opted out of the order by rejecting the mask requirement for students, but letting stand the other mitigation procedures. A full 81 counties did not opt out of the order and let it stand. Separate actions that may have been taken by individual school districts are not included in this count.

County commissions flexed their authority prior to those school-related orders when Governor Kelly issued on July 2 [Executive Order 20-52](#), a statewide requirement for masks to be worn in public places. However, as a result of county actions rejecting that order, initially only 14 counties had a mask order in effect. By August 11, the number of counties with a mask order had increased to 24, and at least six cities located in counties without mask orders had implemented their own mask ordinance. Altogether, as of August 11 mask orders were in effect covering at least two-thirds of the state population (2,083,835 people, or 71.5 percent).

Separate from any decisions specific to the governor's executive order regarding school mitigation procedures, as of August 11, 32 Kansas counties had at least one public health restriction in place, including requirements for masks (24 counties), gathering size (17), restaurants/bars/nightclubs (6), retail (2), personal services (3), fitness centers/gyms/health clubs (3), indoor/outdoor leisure/entertainment activities (3), education/childcare/summer camps (5), mass events (9), swimming pools (2), enforcement provisions (11), institutions such as senior living, long term care and jails (4), and other (1).

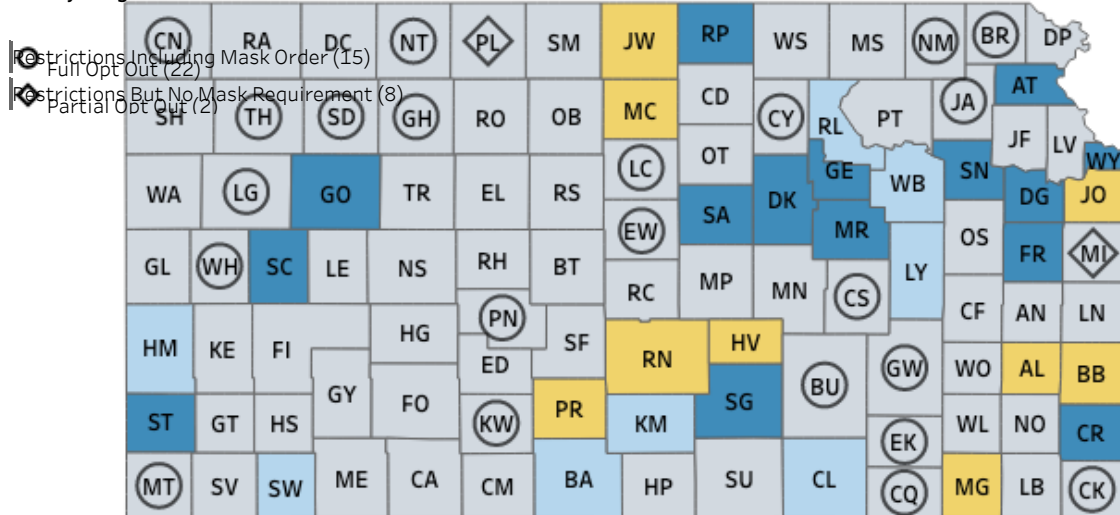
A summary of reopening orders for the 105 counties, as of 5 p.m., on August 11 is shown in the table [HERE](#).

COUNTY	COUNTY OFFICIAL ACTION As of 5 p.m., August 11	SCHOOL MITIGATION ORDER			Any Public Health Restriction	CATEGORIES OF RESTRICTIONS											
		Did Not Opt Out	Partially Opted Out	Fully Opted Out		Mask Order	Gathering Size Restriction	Restaurants/Bars/Nightclubs	Retail	Personal Services	Fitness Centers/ Gym/Health Clubs	Indoor/Outdoor Leisure Activities	Education/Childcare/ Summer Camp	Mass Events	Swimming Pools	Enforcement Provisions	
		Totals:	81	2		22	32	24	17	6	2	3	3	3	5	9	2

County COVID-19 Restrictions and Official Actions as of August 11

Information was collected through a survey in collaboration with the Kansas Association of Counties and is supplemented with online searches for published orders, announcements on social media and local news sites. Data as of 5 p.m., August 11.

School Restrictions



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Map updated August 11

NOTE: Information was collected through a survey in collaboration with the Kansas Association of Counties and is supplemented with online searches for published orders, announcements on social media and local news sites. Counties and cities may have policies in place that were not identified by this approach and therefore are not identified properly. Actions taken by local school boards and additional school district-specific requirements were not collected. School district start dates reported in the blog are based on [survey results](#) released by the Kansas State High School Activities Association and supplemented by survey data from Kansas Association of School Boards (KASB). Information presented was current as of 5 p.m. on August 11 but is sure to change. Check back here for updates.

(Update July 13, 2020): Mask Order Edition

Erratum (11/5/2020): In the original table published on July 13, Grant County was categorized as having a mask mandate. However, Grant County passed a resolution on July 2 opting out of the state mask order. This brings the number of counties with any restrictions in place down from 24

to 23 and the number of counties with a mask order in place down from 15 to 14, both as of July 9. The blog post, map and accompanying table have all been corrected to reflect these changes.

Kansas is among at least 21 states (and the District of Columbia) that have issued statewide mandates to use masks or face coverings while in public. However, a Kansas law passed in June ([House Bill 2016](#)) allows counties to opt out of statewide emergency orders issued by the governor. As a result, on July 9 a mask order was in effect in only 14 of the 105 Kansas counties, and at least 59.8 percent of the state population (1,741,698 people) lived in a community with a mask order in place (see map below). Ten counties allowed the governor's order to stand as-is, while another four passed mask orders of their own. And a full 91 counties actively rejected the governor's order and had no mask order in place.

Governor Kelly issued Executive Order 20-52, effective July 3, requiring people in Kansas to cover their mouths and noses with masks or other face coverings when in an indoor public place or waiting in a line to enter; at a health care setting; waiting for or riding on public transportation or in a taxi, private service or ride-sharing vehicle; and outdoors in public spaces if they are unable to maintain a six-foot distance between individuals. Provisions for businesses and organizations also are provided, as well as a list of exemptions, including for children under age six and those with medical or mental conditions or disabilities that restrict their ability to wear masks.

Emergency orders issued by the governor lost teeth in June with the enactment of House Bill 2016. As the Kansas attorney general stated in a recent [memorandum](#), "state law now establishes a mechanism by which individual counties may effectively opt out of some or all of its requirements." The bill also reduced violation of such orders from a Class A misdemeanor to a civil violation, which as it applies to the mask order means Kansans cannot be arrested or detained for not wearing a mask.

An interesting conflict has emerged as well from the ability of counties, but not cities, to opt out of requirements such as the mask order. While cities cannot opt-out of the mask order, they may effectively opt-in by adopting their own ordinances. A growing number of cities — at least four — Manhattan, Parsons, Salina and Wichita — had adopted mask ordinances that include enforcement provisions effective July 9. Winfield joined the list by adopting a city mask ordinance, effective July 10. Sedgwick County and its largest city, Wichita, present a particularly fluid and complex situation. After the county opted out of the governor's mask order, the city passed an ordinance requiring masks and included an enforcement provision. The county health officer then issued a mask order for the entire county, effective July 10.

Mask orders are not the only measure being implemented by counties to combat the spread of the coronavirus. As of July 9, 23 Kansas counties had at least one restriction in place. Besides the requirement for masks in 14 counties, other restrictions in place address gathering size (14 counties), mass events (7), restaurants/bars/nightclubs (4), indoor/outdoor leisure/entertainment activities (4), enforcement provisions (4), personal services (3), fitness centers/gyms/health clubs (3), education/childcare/summer camps (3), retail (2), swimming pools (2), and institutions such as

senior living, long term care and jails (3).

A summary of reopening orders for the 23 counties with restrictions in place, including the 14 counties that have mask orders, as of 10 a.m., on July 9 is shown in the table [HERE](#).

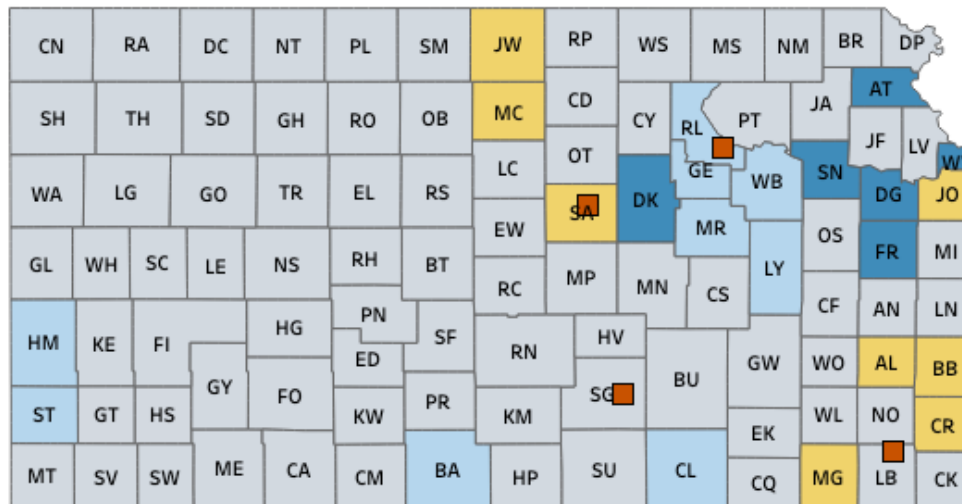
COUNTY	COUNTY RESTRICTIONS IN PLACE (As of 10 a.m., July 9)	CATEGORIES OF RESTRICTIONS											Totals
		Any Restrictions	Gathering Size	Restaurants/Bars/Nightclubs	Retail	Fitness Centers/Gyms/Health Clubs	Indoor/Outdoor Leisure Activities	Education/Childcare/Summer Camps	Mass Events	Swimming Pools	Enforcement Provision	Institutions	
		23	14	4	2	3	4	3	7	2	4	3	14

Counties that adopted restrictions and have a mask order in place were categorized as "Restrictions Including Mask Order." Source: KHI analysis of published orders or announcements on social media or in a local newspaper. Other restrictions may be in place as of 10 a.m. on July 9.

Counties that adopted restrictions but have no mask order in place were categorized as "Restrictions But No Mask Order."

Counties that have a mask order in place but did not adopt other restrictions were categorized as "Mask Order Only." Counties that announced no local restrictions, or adopted or supported only recommendations or guidelines but no restrictions, were categorized as "No Restrictions." Cities where mask orders were adopted were categorized as "Mask Ordinance," however,

other restrictions may be in place.



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Map updated July 10

NOTE: Information was collected through online searches for published orders, announcements on social media and local news sites. The search focused on county restrictions and official

action to opt out of the state mask order or adopt a county mask mandate. In addition, city ordinances adopting the mask order were collected. Counties and cities may have policies in place that were not identified by this approach and therefore are not identified properly. Information presented was current as of 10 a.m. on July 9, but is sure to change. Check back here for updates.

(Update June 19, 2020):

As Kansas moves from spring to summer, an increasing number of counties have removed restrictions that had been in place to limit the spread of COVID-19. As of June 16, 25 of 105 Kansas counties had at least one restriction in place, and many of those counties have plans to either phase out remaining restrictions, or consider doing so, by next week.

The 25 Kansas counties that had at least one restriction still in place as of June 16 covered 883,202 Kansans, or 30.3 percent of the total population. Restrictions still in place as of June 16 were most commonly applied to mass gatherings and events, while some counties continued to be more restrictive across categories. As of June 16, the following restrictions were still in place by category: gathering size (23 counties), food service (5), retail (3), personal services (4), fitness centers/gyms/health clubs (3), indoor/outdoor leisure/entertainment activities (5) education/childcare/summer camps (4), mass events (12), swimming pools (4), enforcement provisions (2), and other (6).

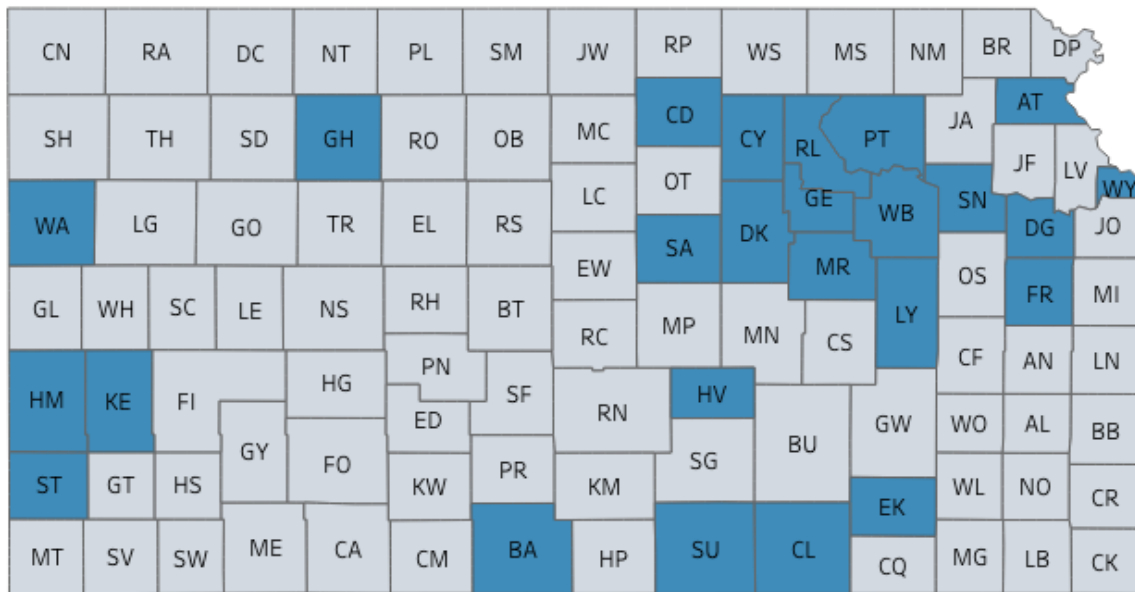
The state Ad Astra Plan — now a recommendation and no longer a “floor” for public health restrictions that counties must follow — recommended Phase Out to begin no earlier than June 22.

A summary of reopening orders for the 25 counties with restrictions as of June 16 is shown in the table [HERE](#).

COUNTY <i>Click on name to access order or announcement</i>	COUNTY RESTRICTIONS IN PLACE <i>(As of June 16)</i>	CATEGORIES OF RESTRICTIONS											
		Any Restrictions	Gathering Size	Food Services	Retail	Personal Services	Fitness Centers/Gyms/ Health Clubs	Leisure Activities/ Entertainment Venues	Education/Childcare/ Summer Camps	Mass Events	Swimming Pools	Enforcement Provision	Other
Totals:		25	23	5	3	4	3	5	4	12	4	2	6

County Restrictions in Response to COVID-19 as of June 16, 2020

restrictions, or adopted or supported only recommendations or guidelines but no restrictions, were categorized as “No Restrictions.”



Udaa

Map updated June 22

NOTE: Information was collected via surveys of county officials, online searches for published orders and announcements on social media and local news sites. Our most recent rapid survey and online data search were conducted June 15-16 and focused on county phase out plans. Counties may have orders in place that were not identified by our approach and therefore are not identified properly.

(Update June 5, 2020):

Less than a month after Governor Kelly unveiled the Ad Astra Plan, which established a regulatory baseline for Kansas local governments to safely reopen, her veto on May 26 of House Bill 2054, and a new state of disaster emergency proclamation that same day, set into motion a flurry of special meetings across many Kansas counties to either put in place their own orders adopting a set of restrictions, establish recommendations and guidelines but without enacting

any actual restrictions, or lift all restrictions. Furthermore, if counties took no action by May 27, then any existing restrictions tied to the Ad Astra plan automatically expired leading to a lifting of all restrictions in the county.

Kansas County Reopening Plans on or after May 27

Information was collected via surveys of county officials, online searches for published orders and announcements on social media and local news sites. Our most recent rapid survey and online data search were conducted May 27-June 3 and focused on reopening plans/actions on or after May 27. For our analysis, official actions that use only the language of guidance (e.g., “should,” or “recommend”) are not considered restrictions. Counties may have orders in place that were not identified by our approach and therefore are not identified properly.

A summary of the reopening orders on or after May 27 in each of the 105 counties in Kansas is shown in a table [HERE](#).

COUNTY <i>Click on name to access order or announcement</i>	COUNTY RESTRICTIONS ON OR AFTER MAY 27 <i>As of 5 p.m., June 3</i>	CATEGORIES OF RESTRICTIONS											
		Any Restrictions	Gathering Size	Food Services	Retail	Personal Services	Fitness Centers/Gyms/ Health Clubs	Leisure Activities/ Entertainment Venues	Education/Childcare/ Summer Camps	Mass Events	Swimming Pools	Enforcement Provision	Other
Totals:		39	38	20	5	20	20	21	17	25	16	3	3

COUNTIES WITH ANY RESTRICTIONS

KDHE Region Group

Highlight KDHE Region

Restrictions On or After May 27

No Restrictions

Local Restrictions Adopted

Map updated June 11

The analysis shows that as of June 3, there were 39 counties that had adopted orders or other official actions on or after May 27 that impose restrictions. These restrictions covered 1,006,225 Kansans, or 35% percent of the total population. Sixty-six counties have no local restrictions in place, but many of them had established recommendations or guidelines.

Restrictions among the 39 counties vary considerably. Some counties have imposed limited restrictions, such as limits on the size of mass gatherings and prohibiting self-service food and beverages, while others have kept certain types of businesses, such as bars, closed. Still other counties have adopted all or parts of the Ad Astra state plan, with the recommendations in it being implemented as required restrictions.

For descriptive purposes, the restrictions adopted by counties were grouped into ten categories: gathering size (38 counties), food service (20), retail (5), personal services (20), fitness centers/gyms/health clubs (20), indoor/outdoor leisure/entertainment activities (21), education-related (17), mass events (25), swimming pools (16), enforcement (3), and other (3) such as

parameters for driver's education and cruising.

NOTE: The information for this report was collected through a collaboration among the Kansas Health Institute, Kansas Association of Counties (KAC), Kansas Association of Local Health Departments (KALHD), Wichita State University and Public Health Law Center. This collaborative effort has tracked and provided summary information on COVID-19 reopen plans as the state moved through each reopening phase. The Kansas Division of Emergency Management (KDEM) also is collecting similar information and publishing data in an [interactive map, available HERE](#). The two resources are complementary, and the main difference is the way county plans are categorized. The KDEM approach compares county actions (regardless of whether the action is in the form of restrictions or simply recommendations/guidelines) to the Ad Astra state plan, even after that plan was reduced to recommendations as described above. The approach in our analysis is to focus on whether counties had adopted any restrictions at all after the Ad Astra plan became just a set of guidelines. KHI will work with KDEM in an effort to better align efforts, reduce reporting burden on local officials and provide the best available information to the public.

(Update June 2, 2020): Reopening Plans for Kansas Counties

As of May 22, 13 counties in Kansas had public health restrictions in place that exceeded those in Governor Kelly's Ad Astra State Plan in effect at the time. The map below identifies those counties and the specific restrictions included in each county. The same information is available in table format by clicking [here](#).

Effective with the governor's veto of House Bill 2054 on May 26, the guidance in the State Plan was no longer a "floor" for public health restrictions that counties must follow, but rather was reduced to recommendations for counties to consider in setting their own guidance.

Now counties that want to have in place any restrictions, or even adopt the set of recommendations in the State Plan, must put in place their own orders. We are in the process of compiling information on county actions since the governor's veto on May 26 and anticipate having that information posted by June 5.

orders, or announcements on social media or in a local newspaper as well as survey responses in collaboration with the Kansas Association of Counties. Data as of 5pm on May 22.

Additional Restrictions

No

Yes

(Update May 29, 2020):

On May 26, Governor Kelly vetoed [House Bill 2054](#), which would have limited the authorities of the governor and county health officers in responding to the COVID-19 pandemic. While Governor Kelly signed a new state disaster declaration, which allows continued coordination among state and federal partners, management and enforcement of the reopening process shifted to the 105 Kansas counties as of May 27. Governor Kelly also has ordered the State Legislature to return on June 3 for a special session to extend the latest disaster declaration and amend the Emergency Management Act in response to the pandemic.

Modified Phase Two

Prior to the legislature convening for the last day of the session, Governor Kelly had moved the state into modified Phase Two of the state reopening plan on May 22 under [Executive Order 20-34](#), which she signed on May 19. Phase Two increased gathering size up to 15 individuals and allowed indoor leisure spaces such as theaters and bowling alleys, community centers and state-run casinos to open. Also, organized sports facilities, tournaments and practices were allowed to resume with some exceptions. Graduation ceremonies also were allowed with social distancing measures.

In collaboration with the Kansas Association of Counties (KAC), KHI administered a rapid survey to the 105 counties across the state to collect local response to modified Phase Two. All 105

Kansas counties responded to the survey, announced on social media or had published plans available. All but 13 counties followed the State Plan for modified Phase Two, although select public buildings were to remain closed in some counties otherwise adopting the State Plan. The 13 counties whose modified Phase Two was more stringent than the State Plan were home to 379,547 Kansans, or 13 percent of the state population.

As the state progressed through each phase in its reopening plan, fewer counties announced significant restrictions beyond those in the State Plan – from 50 counties (55 percent of the state population) in Phase One to 20 counties (20 percent of the state population) in Phase 1.5, and then to 13 counties (13 percent of the state population) in the modified Phase Two.

Local Control

Now that the State Plan represents recommendations rather than orders, any county that wants to leave in place any restrictions from an earlier phase, or even adopt the recommendation in the State Plan, must adopt their own orders. Check back for more information as counties continue to determine their next steps.

(Update May 22, 2020): Reopening Kansas

On May 14, 2020, Governor Kelly signed [Executive Order 20-31](#), which established a new Phase “1.5” to the [Ad Astra: Plan to Reopen Kansas](#) (“State Plan”). Phase 1.5 went into effect on May 18, 2020, and was to have expired May 26, 2020, which is when the statewide [State of Disaster Emergency Proclamation](#) relating to COVID-19 expires. However, on May 19, shortly after counties added Phase 1.5 to their reopen plans, Governor Kelly announced the state will move to a modified Phase Two on May 22.

The State Plan establishes a regulatory baseline for Kansas local governments relating to safety guidelines for reopening businesses during the COVID-19 pandemic, and counties retain the ability to impose additional restrictions that are in the best interest of the health of their residents. To guide movement from phase to phase, the State Plan provides the metrics below related to disease spread, hospitals and deaths. While the new Phase 1.5 was not originally planned, the governor stated, “the daily rate of disease spread has not shown the downward trajectory necessary to move fully into Phase Two.”

Phase 1.5

In Phase 1.5, the State Plan allows personal service business such as salons, tattoo parlors and barbershops to open by appointment only or online check-in; fitness centers and health clubs to open, but not group classes or the locker room (except for restrooms); and commencement or graduation ceremonies to take place either face-to-face or drive-through, ensuring no more than 10 individuals are in the same area and social distancing is maintained.

There is growing recognition that within the state, the situation varies significantly across counties. In collaboration with the Kansas Association of Counties (KAC), KHI administered a

rapid survey to all 105 counties to collect local response to the governor's new Phase 1.5. A total of 102 counties responded to the survey or had published plans available. Of these, 20 counties reported their plan was more stringent than the State Plan, representing 590,094 Kansans (20 percent of the total population). Note that closures of public buildings were not considered a restriction. In comparison, in Phase One, 50 counties, accounting for 55 percent of the state population, had announced at least one significant restriction beyond those in the State Plan.

Modified Phase Two

On May 22, 2020, the state will move into a modified Phase Two, which increases gathering size up to 15 individuals, and allows indoor leisure spaces such as theaters and bowling alleys, community centers and state-run casinos to open. Also, organized sports facilities, tournaments and practices may resume with some exceptions. However, bars and nightclubs – which would have been allowed to open at 50 percent capacity under the original Phase Two – will remain closed, as will most swimming pools.

Check back for more information as counties implement plans for the new modified Phase Two.

(May 14, 2020): Reopening Kansas: National Guidelines, Local Decisions

As we near two months of living and working under significant safer-at-home orders, everyone's attention is shifting to what is needed to safely reopen. There is an emerging consensus that in order to safely reopen we must have three things in place: adequate testing; the ability to conduct contact tracing; and supported isolation and quarantine. This edition of A Kansas Twist provides information on the national guidelines that have emerged, and how the state and individual counties are approaching reopening. The White House and a number of national organizations have produced guidelines to be considered as states reopen schools, businesses and society in general. KHI has produced a summary of 12 of the leading sets of guidelines presented in this side-by-side graphic, [Summary of National Guidelines for Reopening the U.S.](#) (Download file)

While the governor's Ad Astra Plan to Reopen Kansas (State Plan), effective on May 4, established a regulatory baseline for Kansas local governments relating to safety guidelines while reopening business during the COVID-19 pandemic, counties retain the ability to impose additional restrictions that are in the best interest of the health of their residents. This acknowledges the growing recognition that within a state, the situation may vary significantly across regions and individual communities.

To help understand the variety of approaches being taken across the state, KHI has produced a summary of the reopening orders in each of the 105 counties in Kansas, [Reopening Plans for Kansas Counties: Phase One \(May 14\)](#).

The analysis shows that as of May 7, there were 63 counties that had implemented some

elements more restrictive than the State Plan, covering 2.2 million Kansans (77 percent of the total population):

Thirteen (13) counties made changes only to the hours or services offered at county buildings and facilities, typically courthouses, libraries or county offices.

Fifty (50) counties, accounting for 55 percent of the state's population, announced at least one significant reopening restriction beyond those in the State Plan. Three of these counties (Finney, Johnson and Wyandotte Counties) extended the entire statewide safer-at-home order that was in place prior to May 4.

The conditions in the reopening plans that differed from those in the State Plan, included one or more of the following in each of those 50 counties ([see table](#))

Food Service (38 counties) – restrictions included one or more of the following:

- prohibiting self-service food or beverage services (e.g., salad bars, buffets, fountain drink dispensers) (32)
- limiting dine-in options (4)
- limiting seating capacity (4)
- requiring reservations (3)
- requiring compliance with COVID-related guidelines (2)
- restricting outside waiting lines (1).

Playground Equipment and Picnic Tables (18 counties) – restrictions prohibiting use.

Retail/Sales Activities (7 counties) – one or more restrictions including:

- number of customers in retail space (3)
- prohibiting door-to-door solicitation, garage sales or yard sales (3)
- prohibiting dance studios (1)
- requiring disinfecting shopping carts (1)
- imposing a curfew on restaurant hours (1)
- requiring a log of customers to facilitate contact tracing if needed (1).

Real Estate Activities (6 counties) – prohibiting open houses or requiring masks to be worn

Miscellaneous (5 counties) – conditions unique to only one county:

- closing recreation programs (Wichita County)

- prohibiting visitors to a specific senior living facility (Stevens County)
- including persons over age 65 in the definition of high-risk individuals (Harvey County)
- imposing a quarantine on individuals who travel to certain counties in Kansas with high case rates (Ellsworth County)
- enforcement provision making violation of the orders a misdemeanor punishable by a fine up to \$2,500 and/or one year in jail (Republic County).

Phase Two of the governor's plan is scheduled to be implemented no sooner than May 18, Phase Three no sooner than June 1, and Phase Out no sooner than June 15. The governor will base decisions about moving between phases on a variety of metrics outlined in the plan. Regardless of phase, the State Health Officer retains the authority to impose additional public health interventions in certain areas as determined necessary by the Officer.

The governor's plan also recommends that local governments monitor the following health criteria when determining if they should continue respective "stay-at-home" mandates or impose any additional restrictions, but does not include any requirements for doing so:

Disease Spread: stable or declining over a 14-day period (rate of COVID-19 cases per 100,000 population);

Hospitals: decreasing number of new COVID-19 admissions (stable (flat) or a downward trajectory of the COVID-19 inpatient counts within a 14-day period);

Deaths: decreasing number of deaths (downward trajectory of COVID-19 deaths within a 14-day period).

NOTE: This information was collected via e-mail by the Kansas Association of Counties, searches for published orders, or announcements on social media or in a local newspaper. Counties that have announced restrictions and closures that differ from the State Plan are identified in the report. Counties may have orders in place that were not identified by this approach and therefore are not properly identified. This information will be monitored and updated periodically during the reopening process so check back regularly.

Additional Resources:

[Governor Kelly's Ad Astra Plan to Reopen Kansas issued under Executive Order 20-29 that became effective May 4, 2020 \(State Plan\)](#)

[Frequently Asked Questions](#)

[Industry Guidance on Reopening](#)

The Kansas Health Institute supports effective policymaking through nonpartisan research,

education and engagement. KHI believes evidence-based information, objective analysis and civil dialogue enable policy leaders to be champions for a healthier Kansas. Established in 1995 with a multiyear grant from the Kansas Health Foundation, KHI is a nonprofit, nonpartisan educational organization based in Topeka.

Documents and Downloads

- [County Official Actions in Response to COVID-19 as of February 7 \(February 18, 2020\) \(Open the Table\)](#)
- [County Official Actions in Response to COVID-19 as of December 9 \(December 23, 2020\) \(Open the Table\)](#)
- [County Official Actions in Response to COVID-19 as of October 15 \(October 23, 2020\) \(Open the Table\)](#)
- [County Official Actions in Response to COVID-19 as of August 11 \(November 5, 2020\) \(Open the Table\)](#)
- [County Restrictions in Response to COVID-19 as of July 9 \(November 5, 2020\) \(Open the Table\)](#)
- [Previous County Restrictions in Response to COVID-19 as of June 16 \(June 19, 2020\) \(Open the Table\)](#)
- [Previous Reopening Plans for Kansas Counties On or After May 27 \(June 5, 2020\) \(Open the Table\)](#)
- [Previous Reopening Plans for Kansas Counties — Ad Astra Plan Modified Phase Two \(June 2, 2020\) \(Open the Table\)](#)
- [Previous Reopening Plans for Kansas Counties: Phase One \(May 14\) \(Open the Table\)](#)
- [Summary of National Guidelines for Reopening the U.S. \(May 14, 2020\) \(Download File\)](#)

Related Items

- [A Kansas Twist Archives \(February 2021\)](#)
- [CDC Report Shows Mask Mandates in Kansas Contributed to Fewer COVID-19 Cases \(November 2020\)](#)