

COVID-19



CORONAVIRUS: KANSAS GOV. ISSUES STATEWIDE STAY-AT-HOME ORDER

March 28, 2020

By: Boyd A. Byers and Sarah C. Otto

Foulston has produced a series of issue alerts as we continue to monitor the evolving COVID-19 situation and provide additional guidance. Please find all updates and our latest resources available [here](#).

Today, Gov. Laura Kelly announced a statewide stay-at-home order for Kansas to combat the spread of COVID-19 (Executive Order 20-16). The order, which takes effect at 12:01 a.m. on Monday, March 30, runs through April 19 unless rescinded or the statewide State of Disaster declared March 12 expires, whichever is earlier. As with earlier city and county orders, this order allows exceptions for essential activities and essential functions.

Gov. Kelly's order, intended to create statewide consistency in responding to the COVID-19 pandemic, supersedes local stay-at-home orders, and no local jurisdiction may issue or enforce more or less restrictive stay-at-home orders until the statewide order expires or is rescinded. At that time, local stay-at-home resume if they are still in effect.

ESSENTIAL ACTIVITIES

The order directs individuals to stay at home and leave their residence only if performing one of the essential activities outlined below:

- Obtaining food, medicine, and other household necessities;
- Performing or going to and from work at a business or organization to perform an essential function as identified in the Kansas Essential Functions Framework (KEFF) below;
- Seeking medical care;
- Caring for children (including daycare or childcare centers), family members, or pets, or caring for a vulnerable person in another location; or
- Engaging in outdoor activity with social distancing and abiding by the 10-person limit on gathering size.

FOULSTON

ATTORNEYS AT LAW

The order does not prevent families from gathering privately.

KANSAS ESSENTIAL FUNCTIONS FRAMEWORK

Businesses and organizations listed in the KEFF may remain operational during the stay-at-home order. Businesses not listed in the KEFF may operate through remote-working capabilities that allow compliance with the stay-at-home order. The State has created an application process to submit a request to be considered an “Essential Functions” provider under KEFF. If you’re not sure whether your business or organization is covered by the KEFF, or if you are considering submitting a request to be considered an essential business, you should consult with legal counsel.

The KEFF centers on four areas: Connect, Distribute, Manage, and Supply. Even organizations operating within the KEFF must use remote-working capabilities and avoid in-person meetings if possible and follow appropriate protocols such as social distancing.

KEFF 100 CONNECT businesses or organizations are engaged in:

- Core information technology networks
- Cable access networks
- Internet-based content and communication services
- Internet routing, access, and connection services (including cybersecurity and infrastructure security)
- Positioning, navigation, and timing services
- Radio and TV broadcast access networks
- Satellite, wireless, or wireline access networks

KEFF 200 DISTRIBUTE businesses or organizations are engaged in:

- Electrical distribution and transmission
- Supply chain maintenance for essential functions and critical infrastructure (as defined by the Department of Homeland Security)
- Transportation of cargo and passengers by air, rail, road, vessel, pipeline, or mass transit
 - Manufacturing, distribution, sales, or maintenance of aircraft and aircraft parts, trains and train parts, automobile or automobile parts, cargo or passenger vessels or parts for such vessels
 - Gas stations and associated convenience stores and restaurants (only as allowed within KEFF)
 - Delivery of mail, packages, food, groceries, beverages, or other cargo
 - Transport of farm equipment, supplies, seed, and personnel to farming operations

KEFF 300 MANAGE businesses or organizations are engaged in:

- Conducting elections
- Media
- Public works and support services for essential functions
- Education and training for personnel in essential functions
- Law enforcement
- Medical records access
- Hazardous waste and materials management
- Wastewater management

FOULSTON

ATTORNEYS AT LAW

- Governmental operations:
 - Government contracts
 - Public and private schools as allowed by other executive orders, including Executive Order 20-07
 - State, county, and municipal governments
 - State Constitutional offices
- Cyber incident management
- Emergency management: management and operation of planning, cleanup, or other emergency responses, including private entities
- Preservation of Constitutional or legal rights:
 - Manufacture or sale of firearms, firearm accessories, or ammunition
 - Religious or faith-based services activities performance or attendance
 - Legal services
- Sensitive information protection
- Critical infrastructure provision and maintenance
 - Road construction and repair
 - Building construction, maintenance, or cleaning
 - Construction material production or distribution
 - Specialized manufacturing or industrial equipment maintenance
- Capital markets and investment activities
 - Accounting services
- Consumer and commercial banking services
- Funding and liquidity services
- Identity management and associated trust support services
- Insurance services
- Medical care and services, including provision of mortuary services, funeral, or memorial services
 - Pharmaceutical services
- Payment, clearing, and settlement services
- Public safety
- Wholesale funding
- Fuel storage and reserve maintenance
- Community health and mental services
- Laundry services

KEFF 400 SUPPLY businesses or organizations are engaged in:

- Fuel exploration, extraction, refining, and processing
 - Propane or natural gas production and delivery
- Electrical generation
- Manufacture of equipment used for essential functions or critical infrastructure as defined by the Department of Homeland Security
- Agricultural products and services
 - Agricultural equipment and supplies manufacturing, maintenance, or distribution

FOULSTON

ATTORNEYS AT LAW

- Poultry, livestock, or other animals raised, processed, or distributed for human consumption
- Preparing, tilling, planting, maintaining, or harvesting grains, fruit, or vegetables
- Human and animal food products and services
 - Food or food product manufacturing and processing
 - Preparing or serving meals for takeout or delivery
 - Groceries, including alcoholic beverages not for on-site consumption
- Chemical production
- Metal and materials provision
- Housing
 - Operation and maintenance of rental property, student housing, long-term care, or senior-living facilities
 - Construction, supply, cleaning, or maintenance of single-family homes or other housing
 - Real estate services
 - Housing shelters or charities, animal shelters, hotels, or motels
- Information technology products and services
- Material and operational support to defense
- Research and development
- Water supply

FOR MORE INFORMATION

If you have questions or want more information regarding the Kansas stay-at-home order and how it affects your organization, contact your legal counsel. If you do not have regular counsel for such matters, Foulston Siefkin LLP would welcome the opportunity to work with you to meet your specific business needs. For more information, contact **Boyd Byers** at 316.291.9716 or bbyers@foulston.com?, or **Sarah Otto** at 913.253.2195 or sotto@foulston.com. For more information on the firm, please visit our website at www.foulston.com.

Established in 1919, Foulston Siefkin is the largest law firm in Kansas. With offices in Wichita, Kansas City, and Topeka, Foulston provides a full range of legal services to clients in the areas of administrative & regulatory; antitrust & trade regulation; appellate law; banking & financial services; business & corporate; construction; creditors' rights & bankruptcy; e-commerce; education & public entity; elder law; emerging small business; employee benefits & ERISA; employment & labor; energy; environmental; ERISA litigation; estate planning & probate; family business enterprise; franchise & distribution; government investigations & white collar defense; governmental liability; government relations & public policy; healthcare; immigration; insurance regulatory; intellectual property; litigation & disputes; long-term care; mediation/dispute resolution; mergers & acquisitions; Native American law; oil, gas & minerals; OSHA; privacy & data security; private equity & venture capital; product liability; professional malpractice; real estate; securities & corporate finance; supply chain management; tax exempt organizations; taxation; trade secret & noncompete litigation; water rights; and wind & solar energy.

RESOURCES

Sign up to receive these issue alerts straight to your inbox here.

This update has been prepared by Foulston Siefkin LLP for informational purposes only. It is not a legal opinion; it does not provide legal advice for any purpose; and it neither creates nor constitutes evidence of an attorney-client relationship

FOULSTON

ATTORNEYS AT LAW

PRACTICE AREAS

- Business & Corporate Law
- Taxation
- Employment & Labor
- Employee Benefits & ERISA
- Healthcare