

SENATE BILL No. 522

By Committee on Federal and State Affairs

3-2

1 AN ACT concerning health and healthcare; relating to medical mandates;
2 enacting the Kansas medical freedom act to prohibit the denial of an
3 individual's access to certain services based on such individual's
4 medical choices.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. Sections 1 through 6, and amendments thereto, shall be
8 known and may be cited as the Kansas medical freedom act.

9 Sec. 2. (a) As used in this act:

10 (1) "Medical intervention" means any medical procedure, treatment,
11 device, prescription or nonprescription drug or any injection or medication
12 or medical action prescribed, administered, dispensed, recommended, sold,
13 offered, installed or implanted to monitor, diagnose, prevent, treat or cure a
14 disease or alter the health or biological function of a person. "Medical
15 intervention" includes, but is not limited to, masks, vaccines, biologics,
16 swabs, tests, including genomic tests, pills, capsules, creams, sprays,
17 liquids, injections, chips, devices and monitors.

18 (2) "Governmental entity" means any state, county, municipal or local
19 government, or any political subdivision thereof, including, but not limited to,
20 any department, agency, authority, commission, board, council,
21 committee, office, task force, working group or other body established by
22 or under the authority of the laws of such governmental entity or other
23 body.

24 (3) "Private entity" means any individual or group engaged in any
25 activity, business, profession or enterprise for gain, benefit or livelihood,
26 whether for profit or not for profit, including a self-employed individual,
27 corporation, association, partnership, limited liability company, trust or
28 any entity, including, without limitation, those registered, licensed or
29 authorized to operate in Kansas.

30 (4) "School" means any educational institution, including "day care
31 facility" as defined in K.S.A. 75-7708, and amendments thereto, school
32 district or accredited nonpublic school that provides kindergarten or any of
33 the grades one through 12 and postsecondary educational institutions.

34 (5) "Ticket holders" means an individual, group or entity providing
35 access to entertainment or a public event, including venues, promoters,
36 sports teams, performers and their agents.

1 Sec. 3. (a) No private entity shall deny, restrict or otherwise penalize
2 any individual's access to services, products, venues or transportation
3 based on such individual's use or nonuse of a medical intervention.
4 Nothing in this act shall be construed to prohibit or restrict a governmental
5 or private entity from maintaining a separate restroom, locker room,
6 shower, changing room, shelter, prison, sporting or any other intimate
7 facility or program on the basis of biological sex, regardless of any
8 medical intervention or nonintervention related to gender transition.

9 (b) No governmental entity or private entity shall require a medical
10 intervention as a condition of employment.

11 (c) No ticket issuer shall discriminate against or deny access to any
12 ticket holder at an event based on their status with respect to any medical
13 intervention.

14 (d) No school, conference, symposium or gathering for learning shall
15 require a medical intervention for participation or entry by any individual.

16 (e) No governmental entity, agent or official shall require a medical
17 intervention for an individual, group or private or public entity or members
18 thereof for any purpose, including, but not limited to:

19 (1) Access to government services;

20 (2) receipt of licenses, permits or benefits;

21 (3) use of public buildings, facilities, infrastructure or transportation;
22 or

23 (4) employment by governmental entities.

24 (f) Personal protective equipment may be required as part of
25 occupational safety standards if such requirement is consistent with federal
26 and state workplace and occupational safety regulations and does not
27 discriminate based upon medical intervention status.

28 (g) No individual shall be required to wear or otherwise be subjected
29 to personal protective equipment for a specific purpose that is authorized
30 only under an emergency use authorization or similar state of emergency,
31 edict or proclamation.

32 Sec. 4. (a) An individual aggrieved by a violation of this act may file
33 a complaint with the attorney general alleging that a private entity,
34 governmental entity, school or ticket issuer has violated the provisions of
35 this act.

36 (b) The attorney general shall promptly commence an investigation of
37 each complaint filed pursuant to this subsection. The attorney general shall
38 complete such investigation and issue a final order within 60 calendar days
39 after the filing of the complaint.

40 (c) (1) Upon completing the investigation, the attorney general shall
41 issue an order containing the findings and conclusions of such
42 investigation as to whether the private entity, governmental entity, school
43 or ticket issuer violated this act and provide such order to the private

1 entity, governmental entity, school or ticket issuer. Such order is a final
2 order for the purposes of judicial review and shall state the right of the
3 individual or entity to appeal as provided in the Kansas judicial review act.

4 (2) For a violation of this act, the attorney general may assess a civil
5 penalty not to exceed:

6 (A) \$10,000 per violation by a governmental entity, private entity or
7 school with fewer than 100 individuals; or

8 (B) \$50,000 per violation by a governmental entity, private entity or
9 school with 100 or more individuals.

10 (d) (1) If the attorney general issues a final order finding that a
11 violation occurred, the attorney general shall issue an order containing
12 such findings and provide such order to the individual and the entity
13 involved.

14 (2) The attorney general shall not file a civil action against an
15 employer if such employer reinstates the terminated employee with back
16 pay to the date that the complaint was received.

17 Sec. 5. The provisions of this act shall apply at all times and shall not
18 be suspended, nullified or otherwise disregarded during any declared
19 emergency, public health crisis or state of emergency issued by any local,
20 state or federal authority.

21 Sec. 6. The provisions of this act are severable. If any portion of this
22 act is held by a court to be unconstitutional or invalid, or the application of
23 any portion of this act to any person or circumstance is held by a court to
24 be unconstitutional or invalid, the invalidity shall not affect other portions
25 of this act that can be given effect without the invalid portion or
26 application and the applicability of such other portions of this act to any
27 person or circumstance remains valid and enforceable.

28 Sec. 7. This act shall take effect and be in force from and after its
29 publication in the statute book.