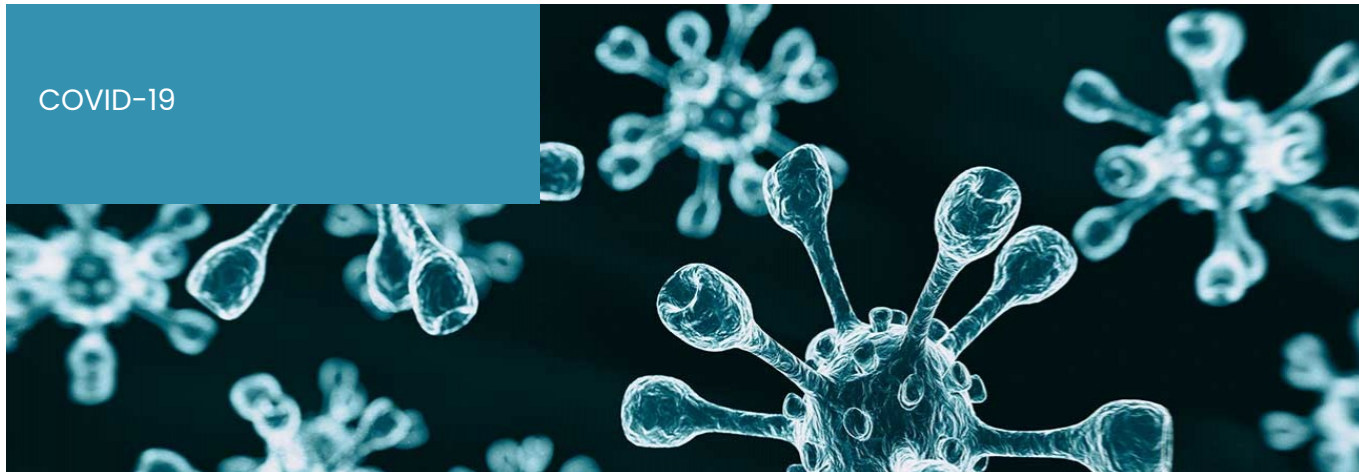


COVID-19



## CORONAVIRUS: JOHNSON COUNTY ISSUES EMERGENCY ORDER

November 13, 2020

By: Tara Eberline and Nancy E. Musick

*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](#).*

On the evening of Nov. 13, 2020, Johnson County issued a new emergency order intended to slow the spread of COVID-19 (Emergency Order No. 002-20). The order will become effective at 12:01 a.m. on Nov. 16, 2020, and will remain in place until Jan. 31, 2021, unless rescinded or extended.

Citing concerns about the rapid spread of COVID-19, decreasing hospital capacity, and staffing shortages at schools, the order requires social distancing, limits attendance at most public gatherings, and restricts certain business and social activities. These new restrictions are in addition to Kansas Gov. Laura Kelly's face-covering order, which also remains in effect in Johnson County.

### SOCIAL DISTANCING

Under the order, all individuals in indoor or outdoor public spaces must keep six feet of physical distance from others, unless the individuals live together. Private homes, private offices, and workspaces that are not open to visitors are not public spaces under the order.

Some businesses and activities are exempt from the social-distancing requirement. Examples include:

- Dentists, medical service providers, hair salons, barbershops, nail salons, chiropractors, massage parlors, and similar businesses that require close contact between staff and customers;
- Restaurants, which are permitted to continue to serve patrons on site, subject to capacity and seating restrictions; and
- Individuals who use physical barriers at least three feet higher than their head that are impervious to air circulation (i.e., a Plexiglas shield).

### PUBLIC GATHERINGS

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The order restricts indoor and outdoor public gatherings to 50 people or 50% of the permitted fire code capacity, whichever is fewer, subject to physical-distancing requirements. Outdoor and indoor entertainment venues cannot host events with greater than 2,000 people in attendance.

A business may apply to host a larger event by submitting a plan to the County explaining how it will ensure public safety and comply with other sections of the order.

These restrictions do not apply to religious institutions and activities, election polling places, licensed childcare facilities, schools, restaurants, bars, nightclubs, fitness centers, retail spaces, healthcare organizations, funeral and burial service organizations, or court facilities.

## ACTIVITIES

The order also limits certain activities, which include:

- Bars, nightclubs, and restaurants must close in-person dining by 12:00 a.m. and remain closed for a minimum of four hours. But carryout, drive-through, and delivery services may continue after 12:00 a.m.
- Attendance at recreational and youth organized sports tournaments, games, practices, and other related events is limited to two attendees per participant. All attendees and participants are subject to the physical-distance requirements and mass-gathering restrictions.
- Nail salons, hair salons, dentists, and other similar businesses where social distancing is not feasible may only serve customers with pre-scheduled appointments or use virtual customer check-in.
- Fitness centers and health clubs must close locker rooms, except restroom facilities.
- No parades, festivals, fairs, carnivals, or similar events are permitted.
- Political gatherings are allowed, but are subject to social-distance requirements.

## NAVIGATING THE EMERGENCY ORDER

The legal landscape is rapidly evolving as COVID-19 continues to dramatically impact the community. Businesses should remain apprised of these changes and work with their legal counsel if they have questions about the impact of this order or other COVID-related matters.

## FOR MORE INFORMATION

If you have questions or want more information about Johnson County's emergency order, 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 **Tara Eberline** at 913.253.2136 or [teberline@foulston.com](mailto:teberline@foulston.com), or **Nancy Musick** at 913.253.2140 or [nmusick@foulston.com](mailto:nmusick@foulston.com). For more information on the firm, please visit our website at [www.foulston.com](http://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

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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](#).

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## PRACTICE AREAS

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- Business & Corporate Law
- Healthcare