

**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

Kansas Department of Health and Environment
Agency

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Agency Contact

296-1291
Contact Phone Number

K.A.R. 28-1-40, 28-1-41, 28-1-42, 28-1-43, and 28-1-44
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to:

Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

K.A.R. 28-1-40 through 28-1-44 provides the requirements and limitations for contact tracing related to COVID-19 as provided by Section 38 of 2021 Senate Bill 159 passed during the 2021 Legislative Session. Contact tracing uses information received from infected and potentially infected individuals as to where they may have been and who they may have been around. Contact tracing is a tool used in controlling the spread of disease where public health tracks the disease and notifies people who may have been exposed. It is a critical tool for containing a disease. These regulations specify the training required to be a contact tracer, requirements to be a contact tracer, the health data that can be collected, the personal information that can be collected, and when contact data must be destroyed. These regulations would sunset at the end of fiscal year 2022, June 30, 2022.

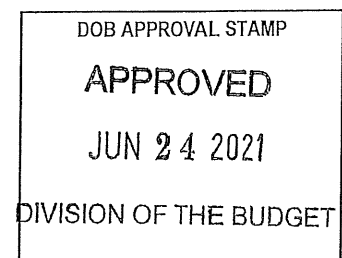
II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

These regulations are not required by federal regulations. The border states do not have regulations similar to these proposed regulations.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

K.A.R. 28-1-40 through 28-1-44 will not restrict business activities or growth.



B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

Currently, state and local health departments conduct contact tracing for a variety of diseases, including COVID-19 (see K.A.R. 28 -1-2) and maintain records for those tracings. The provisions in these regulations are a continuation of the regulations required by 2020 Special Session, ch.1, sec. 16, so any impact should be minimal unless there are a significant increase in the number of positive cases.

No impact on state or local government rates, utility rates or the economy is anticipated.

C. Businesses that would be directly affected by the proposed rule and regulation;

Businesses will not be directly affected by these regulations.

D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

Benefits exist in contact tracing to control the spread of disease. These regulations specify the limits on the contact data that can be collected. The cost of implementation is minimal. See B above.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

The regulations do not impose costs on businesses and economic development.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

The KDHE estimates that the annual implementation and compliance costs as a result of these regulations will be minimal. See B above.

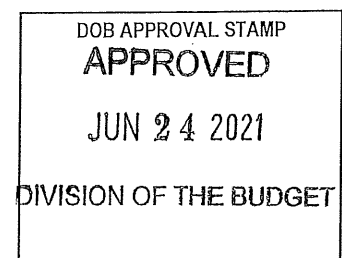
An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

The KDHE estimates that the total implementation and compliance costs will be minimal. See B above.

The KDHE does not anticipate that costs will be passed to local governments, or will be minimal. No costs will be passed to the members of the public.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO



Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The above cost estimate was based on the activities to implement these specific regulations. See B above.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.**

The proposed amended regulations will have no effect on the cities, counties or school districts within the state. However, when the notice of hearing for the regulations is published in the *Kansas Register*, standard agency procedure will be followed, and the three organizations will be contacted electronically for comment with attached copies of the regulations, economic impact statement and published notice of hearing.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

The KDHE has overseen contact tracing for a number of years, working with local health departments and businesses, although information was not solicited for these specific regulations.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

Not applicable.

