Executive Branch

Office of the Governor

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Photo by Todd Caywood

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WHEREAS, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration’s top priority;

WHEREAS, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

WHEREAS, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 2,600,000 cases of the illness and more than 126,000 deaths as a result of the illness across the United States;

WHEREAS, the World Health Organization declared a pandemic on March 11, 2020;

WHEREAS, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020;

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the “Stafford Act”);

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

WHEREAS, as of this date, in Kansas there have been 14,443 reported positive cases of COVID-19 spread among 97 counties, including 270 deaths;

WHEREAS, since March 12, 2020, I have issued emergency executive orders to address or combat the COVID-19 pandemic and its effects on Kansans;

WHEREAS, several of those orders expire on June 30, 2020, yet the reasons for those orders persist and they remain necessary to enable the state to respond to and deal with the spread of COVID-19;

WHEREAS, the Legislature, by House Bill 2016, has extended the State of Disaster Emergency relating to COVID-19 through September 15, 2020; and

WHEREAS, this Administration will do whatever it can to assist Kansans in these challenging times, including providing relief that will help avoid immediate danger to the health, safety, and welfare of Kansans.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A 48-924 and K.S.A 48-925(b), (c)(1), and (c)(11), to continue the emergency response efforts and other measures dealing with the COVID-19 pandemic I hereby direct and order the following:

1. Each executive order listed below is incorporated herein by reference and is hereby re-issued and remains in effect through September 15, 2020, or until the statewide State of Disaster Emergency extended by House Bill 2016 enacted during the June 2020 special session relating to COVID-19 expires, whichever is earlier, unless a separate expiration date is noted below.

   a. 20-36 – Drivers’ license and vehicle registration and regulation during state of disaster emergency

   b. 20-37 – Allowing certain deferred tax deadlines and payments during state of disaster emergency

   c. 20-39 – Extending professional and occupational licenses during state of disaster emergency

   d. 20-40 – Temporarily allowing notaries and witnesses to act via audio-video communication technology during state of disaster emergency

   e. 20-41 – Licensure, Certification, and Registration for persons and Licensure of “Adult Care Homes” during state of disaster emergency

   f. 20-43 – Temporary relief from certain restrictions concerning shared work programs during state of disaster emergency

2. This order supersedes and amends the expiration dates noted in each executive order listed in paragraph 1 above.

This document shall be filed with the Secretary of State as Executive Order No. 20-249. It shall become effective immediately and remain in force until rescinded, until September 15, 2020, or until the statewide State of Disaster Emergency extended by House Bill 2016 enacted during the June 2020 special session relating to COVID-19 expires, whichever is earlier.


Laura Kelly
Governor

Doc. No. 048267

State of Kansas

Office of the Governor

Executive Order No. 20-50
Temporary Relief from Certain Unemployment Insurance Requirements During State of Disaster Emergency

WHEREAS, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration’s top priority;

WHEREAS, the global COVID-19 pandemic resulted in the infection of millions and more than 500,000 deaths, and recent spikes in cases and deaths in Kansas pose continued challenges for those seeking employment;
WHEREAS, Kansas is facing a crisis of economic insecurity resulting from a rapid increase in unemployment and lost wages;

WHEREAS, economic insecurity due to unemployment is a serious menace to the health, morals, and welfare of the people of Kansas, as expressed in K.S.A 44-702 of the Kansas Employment Security Law;

WHEREAS, the economic recovery of Kansas is imperiled by the imminent threat of surges in COVID-19 infections in the State of Kansas as statewide restrictions on businesses and individual movement and gatherings are lifted—since May 15, 2020, fifteen counties in the State have for the first time issued an emergency declaration resulting from the pandemic, indicating a further threat to the State’s economic recovery;

WHEREAS, on June 9, 2020, the United States Department of Labor notified the Kansas Department of Labor that the state of Kansas met the criteria necessary to trigger “on” an extended benefits period, effective June 7, 2020, and extended benefits are triggered when a state is experiencing high unemployment;

WHEREAS, provisions under the Families First Coronavirus Response Act (Pub. L. 116-127) authorize states to modify or suspend the work search requirement for extended benefits on an emergency temporary basis in response to the spread of COVID-19;

WHEREAS, involuntary unemployment of the type occurring because of the COVID-19 pandemic places a serious burden upon not only the unemployed individual but also his or her family and their ongoing wellbeing;

WHEREAS, Kansas is committed to maintaining and strengthening access to unemployment insurance during the COVID-19 pandemic in particular because during this time any financial insecurity for those experiencing unemployment can easily and quickly lead to problems maintaining shelter, buying medicine and food, or caring for vulnerable family members, and such problems present additional public health threats to the health care system and to the state’s ability to respond to the COVID-19 pandemic;

WHEREAS, emergency administrative funding for unemployment insurance, authorized under the Families First Coronavirus Response Act (Pub. L. 116-127) signed into law by the President on March 18, 2020, requires the State to, among other things, mandate that employers provide notice to employees of the potential availability of unemployment insurance benefits and requires Kansas to ease current eligibility restrictions on unemployment benefits, including waiving the one-week waiting period and modifying or suspending work search requirements for those impacted by COVID-19 as a condition of receiving the additional administrative funds;

WHEREAS, strict compliance with certain Kansas employment security laws would prevent, hinder, or delay necessary action in coping with the COVID-19 pandemic;

WHEREAS, flexibility with the eligibility and certain other requirements of the employment security law would promote and secure the safety and protection of Kansans during the COVID-19 pandemic; and

WHEREAS, in these challenging times this Administration will do whatever it can to avoid immediate dangers to the health, safety, and welfare of Kansans, including providing greater access to unemployment benefits.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, including but not limited to the authority granted me by K.S.A 48-924 and K.S.A 48-925(b), (c)(1), and (c)(11), in order to mitigate the effects of COVID-19 I hereby direct and order the following:

1. The requirement that claimants for unemployment benefits actively seek work each week, provided for in K.S.A. 44-705(c), is temporarily waived for all claimants.

2. The requirement that claimants for unemployment benefits actively seek work each week, provided for in K.S.A. 44-704b(b), is temporarily waived for all claimants.

3. All other laws, regulations, or rules relating to unemployment benefits remain in effect.

4. This order supersedes any contrary order by any local health department regarding unemployment benefits and should be read in conjunction with previous executive orders responding to the COVID-19 pandemic. Any contrary provision in previous orders is superseded by this order.

This document shall be filed with the Secretary of State as Executive Order No. 20-50. It shall become effective immediately and remain in force until rescinded, until September 15, 2020, or until the statewide State of Disaster Emergency extended by House Bill 2016 enacted during the June 2020 special session relating to COVID-19 expires, whichever is earlier.


Laura Kelly
Governor

Doc. No. 048268

State of Kansas

Office of the Governor

Executive Order No. 20-51
Extending the Kansas Complete Count Committee

WHEREAS, all term and conditions set forward in Executive Order No. 19-07 remain valid;

WHEREAS, in light of the COVID-19 outbreak, the U.S. Census Bureau has adjusted 2020 Census operations in order to protect the health and safety of the American public and Census Bureau employees; implement guidance from Federal, State, and local authorities regarding COVID-19; and ensure a complete and accurate count of all communities;

WHEREAS, the 2020 Census Nonresponse Follow-up Revised Schedule now runs August 11 – October 31, 2020;

WHEREAS, October 31, 2020, is the final date for in-person 2020 Census interviews;

WHEREAS, states are now required to deliver data to the U.S. Census Bureau by December 31, 2020;
WHEREAS, the federal government will deliver official Census state counts to states by April 30, 2021;

WHEREAS, the U.S. Census Bureau will deliver the local counts each state needs to complete legislative redistricting by July 31, 2021; and

WHEREAS, the work of the 2020 Kansas Complete Count Committee remains critical in order to ensure the 2020 Census is as accurate as possible, and to coordinate strategic planning effectively to provide valuable information for both state and national leaders when making essential decisions regarding land use and resource planning, roads and bridge planning, economic development, workforce development, health services planning, education, housing needs planning, community needs planning, and legislative redistricting.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby extend the term of the 2020 Kansas Complete Count Committee ("Committee") until November 1, 2020. The remaining provisions of Executive Order 19-07 remain in place and in effect.

This document shall be filed with the Secretary of State as Executive Order No. 20-51. It shall become effective immediately and remain in force until November 1, 2020. Dated June 30, 2020.

Laura Kelly
Governor

Doc. No. 048269

State of Kansas
Office of the Governor
Executive Order No. 20-52
Requiring Masks or Other Face Coverings in Public

WHEREAS, securing the health, safety, and economic well-being of residents of the State of Kansas is this Administration’s top priority;

WHEREAS, Kansas is facing a crisis—the pandemic and public health emergency of COVID-19—resulting in illness, quarantines, school closures, and temporary closure of businesses resulting in lost wages and financial hardship to Kansas citizens;

WHEREAS, the United States Departments of Health and Human Services declared a public health emergency for COVID-19 beginning January 27, 2020, with now more than 2,580,000 cases of the illness and more than 126,000 deaths as a result of the illness across the United States;

WHEREAS, the World Health Organization declared a pandemic on March 11, 2020;

WHEREAS, a State of Disaster Emergency was proclaimed for the State of Kansas on March 12, 2020;

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the “Stafford Act”);

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, et seq. and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared a national emergency that the COVID-19 outbreak in the United States constitutes a national emergency beginning March 1, 2020;

WHEREAS, as of this date, in Kansas there have been 14,990 reported positive cases of COVID-19 spread among 97 counties, including 272 deaths;

WHEREAS, after a steady trend of decreasing metrics, recent weeks have seen the numbers of COVID-19 cases, hospitalizations, and deaths spike in Kansas and across the nation;

WHEREAS, this worrying trend of increased COVID-19 spread is a danger to the health and safety of every Kansas and also presents a serious threat to reopening and reviving the Kansas economy;

WHEREAS, wearing a mask in public is the easiest and most effective way to protect each other and help keep our businesses open and our economy running;

WHEREAS, wearing a mask in public is not only safe and easy, it is necessary to avoid more restrictive local measures that could involve closing businesses, schools, organized youth sports, and other important activities;

WHEREAS, the State of Kansas must remain flexible to account for the evolving nature and scope of the unprecedented public health emergency posed by COVID-19, while also simultaneously safely, strategically, and incrementally reopening business and facilitating economic recovery and revitalization;

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of my responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of Kansas, requiring that masks or other face coverings be worn in public spaces is necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS, in these challenging times, this Administration will do whatever it can to avoid immediate dangers to the health, safety, and welfare of Kansans.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, including the authority granted me by K.S.A 48-924 and K.S.A 48-925(b) and (c)(11), in order to ensure that Kansans can to help keep each other safe and keep our businesses open as we restore our economy, I hereby direct and order the following:

1. Effective at 12:01 a.m. on Friday, July 3, 2020, any person in Kansas shall cover their mouth and nose with a mask or other face covering when they are in the following situations:
   a. Inside, or in line to enter, any indoor public space;

(continued)
b. Obtaining services from the healthcare sector in settings, including but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank;

c. Waiting for or riding on public transportation or while in a taxi, private car service, or ride-sharing vehicle;

d. While outdoors in public spaces and unable to maintain a 6-foot distance between individuals (not including individuals who reside together) with only infrequent or incidental moments of closer proximity.

2. Also effective at 12:01 a.m. on Friday, July 3, 2020, all businesses or organizations in Kansas must require all employees, customers, visitors, members, or members of the public to wear a mask or other face covering when:

a. Employees are working in any space visited by customers or members of the public, regardless of whether anyone from the public is present at the time;

b. Employees are working in any space where food is prepared or packaged for sale or distribution to others;

c. Employees are working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities;

d. Customers, members, visitors, or members of the public are in a facility managed by the business or organization;

e. Customers are working in or walking through areas or spaces that are open to the public; this does not include private residential property or private offices or workspaces that are not open to customers or public visitors.

3. The following are exempt from wearing masks or other face coverings in the situations described in paragraphs 1 and 2:

a. Persons age five years or under—children age two years and under in particular should not wear a face covering because of the risk of suffocation;

b. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering—this includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;

c. Persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication;

d. Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;

e. Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;

f. Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided they maintain a 6-foot distance between individuals (not including individuals who reside together or are seated together) with only infrequent or incidental moments of closer proximity;

g. Athletes who are engaged in an organized sports activity that allows athletes to maintain a 6-foot distance from others with only infrequent or incidental moments of closer proximity;

h. Persons who are engaged in an activity that a professional or recreational association, regulatory entity, medical association, or other public-health-oriented entity has determined cannot be safely conducted while wearing a mask or other face covering;

i. Persons engaged in an activity or event held or managed by the Kansas Legislature;

j. Persons engaged in a court-related proceeding held or managed by the Kansas Judiciary;

k. Persons engaged in any lawful activity during which wearing a mask or other face covering is prohibited by law.

4. Definitions:

a. “Mask or other face covering” means a covering of the nose and mouth that is secured to the head with ties, straps, or loops over the ears or is simply wrapped around the lower face. A mask or other face covering can be made of a variety of synthetic and natural fabrics, including cotton, silk, or linen. Ideally, a mask or other face covering has two or more layers. A mask or other face covering may be factory-made, sewn by hand, or can be improvised from household items such as scarfs, bandanas, t-shirts, sweatshirts, or towels.

b. “Public space” means any indoor or outdoor space or area that is open to the public; this does not include private residential property or private offices or workspaces that are not open to customers or public visitors.

5. Nothing in this order shall restrict, limit, or supersede the Secretary of Health and Environment’s authority to make isolation, quarantine, or other orders restricting movement as necessary to respond to escalating or worsening conditions in any local jurisdiction.

6. Local governments retain authority to issue and enforce equally or more restrictive orders or provisions and retain any authority to issue or enforce isolation or quarantine orders or other orders as necessary to respond to escalating or worsening conditions in any local jurisdiction. Counties may also exercise authority granted by K.S.A. 48-925 as amended by 2020 Special Session House Bill 2016, Sec. 33.
INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended, and revoked administrative regulations and the volume and page number of the Kansas Register issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the Kansas Administrative Regulations and the 2019 Supplement of the Kansas Administrative Regulations. Regulations can also be found at http://www.sos.ks.gov/pubs/pubs_kar.aspx.

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AGENCY 26: DEPARTMENT OF NATURAL RESOURCES

AGENCY 27: DEPARTMENT OF VITAL STATISTICS

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

7. As currently permitted pursuant to state law, the Attorney General, county attorneys, and district attorneys enforcing this order should use their discretion and consider the totality of the circumstances as they determine appropriate enforcement actions.

8. In order to more accurately track and assess statewide status of COVID-19 cases, private labs conducting testing for COVID-19 shall report both positive and negative tests to the Kansas Department of Health and Environment.

9. The Four Tribes of Kansas (Iowa Tribe, Kickapoo Nation, Prairie Band Potawatomi Nation, and Sac & Fox Nation) retain any authority to regulate through their respective tribal councils for the health and welfare of their population.

10. This order should be read in conjunction with other executive orders responding to the COVID-19 pandemic that are still in effect and supersedes any contrary provisions of previous orders.

This document shall be filed with the Secretary of State as Executive Order No. 20-52. It shall become effective as of 12:01 a.m. on July 3, 2020, and remain in force until rescinded or until the statewide State of Disaster Emergency extended by House Bill 2016 enacted during the June 2020 special session relating to COVID-19 expires, whichever is earlier. This order may be extended or modified as circumstances dictate.


Laura Kelly
Governor
AGENCY 30: KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

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30-4-34 Amended V. 38, p. 403
30-4-35 Amended V. 38, p. 403
30-4-36 Amended V. 38, p. 403
30-4-40 Amended V. 38, p. 403
30-4-41 Amended V. 38, p. 404
30-4-50 Amended V. 38, p. 404
30-4-51 Amended V. 38, p. 405
30-4-54 Amended V. 38, p. 405
30-4-64 Amended V. 38, p. 406
30-4-90 Revoked V. 38, p. 407
30-4-98 Amended V. 38, p. 407
30-4-100 Amended V. 38, p. 407
30-4-107 Amended V. 38, p. 408
30-4-109 Amended V. 38, p. 408
30-4-111 Amended V. 38, p. 409
30-4-113 Amended V. 38, p. 409
30-4-120 Revoked V. 38, p. 410
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30-4-140 Amended V. 38, p. 412
30-46-10 Amended V. 38, p. 128
30-46-13 Amended V. 38, p. 128
30-46-15 Amended V. 38, p. 129
30-46-17 Amended V. 38, p. 129

AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT—MINED-LAND CONSERVATION AND RECLAMATION

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47-3-1 Amended V. 38, p. 86
47-3-2 Amended V. 38, p. 86
47-3-42 Amended V. 38, p. 86
47-5-5a Amended V. 38, p. 90
47-6-1 Amended V. 38, p. 93
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47-12-4 Amended V. 38, p. 105
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47-15-1a Amended V. 38, p. 107
47-16-6 Amended V. 38, p. 108
47-16-9 Amended V. 38, p. 108
47-16-10 Amended V. 38, p. 108
47-16-12 Amended V. 38, p. 109
47-16-13 New V. 38, p. 109

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51-9-7 Amended V. 38, p. 231
51-9-17 Amended V. 38, p. 212

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60-16-101 Amended V. 39, p. 12
60-16-103 Amended V. 39, p. 12
60-16-104 Amended V. 39, p. 13

AGENCY 63: BOARD OF MORTUARY ARTS

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63-5-3 New V. 38, p. 183

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

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66-9-7 Amended V. 38, p. 622
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68-2-10 Amended V. 38, p. 1463
68-5-16 Amended V. 38, p. 106
68-7-15 Amended V. 38, p. 1337
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68-11-2 Amended V. 38, p. 541
68-14-1 Revoked V. 38, p. 1463
68-14-2 Amended V. 38, p. 1463
68-14-3 Revoked V. 38, p. 1464
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68-14-5 Amended V. 38, p. 1464
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68-14-7a New V. 38, p. 1464
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68-19-1 Amended V. 38, p. 1337
68-21-6 Amended V. 38, p. 1338

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69-1-10 New V. 38, p. 84

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71-2-3 Revoked V. 38, p. 1406
71-5-11 Amended V. 38, p. 1406
71-8-2 Amended V. 38, p. 1407

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82-2-4f Amended V. 38, p. 882
82-2-4g Amended V. 38, p. 885
82-2-4h Amended V. 38, p. 886
A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 Kansas Register. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 Kansas Register. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 Kansas Register. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 Kansas Register. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 Kansas Register. A list of regulations filed from 2018 through 2019, can be found in the Vol. 38, No. 52, December 26, 2019 Kansas Register.