



**A NATIONWIDE PUBLIC INTEREST RELIGIOUS CIVIL LIBERTIES LAW FIRM**

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**Kansas City, MO Order**

**Fourth Amended Order 20-01**

**Effective May 6, 2020**

**FAQ**

1. Essential Business Operations may continue as under the previous emergency order.
2. Non-essential business and “religious gatherings” generally open to the public **must** comply with the following:
  - a. 10/10/10 rule – limit the number of people to no more than 10 or 10 percent of the building occupancy (whichever is greater), and 10-minute rule (meaning anyone who is in the building for 10-minutes or more **must provide name and contact information**); and
  - b. In addition to the 10/10/10 rule above applying to churches holding religious gatherings *inside*, a special rule *applying only* to religious gatherings *outside* includes a limit of no more than 50 people “provided that social distancing is maintained and event organizers ***maintain a record of attendees.***” (emphasis added),
  - c. Maintain a record of names and contact information of everyone who remains in the building for 10-minutes or more, including the approximate time of entry and exit;
  - d. Maintain the above records for a *minimum* of 30 days;
  - e. Any person who refuses to provide name and contact information must be denied entrance as violations “of any provision of this Order constitutes an imminent threat, creates an immediate menace to public health, and shall be considered a violation of Section 50-155 of the City’s Code of Ordinances.”
  - f. Provide the names and contact information and time of entry and exist of each person to the Kansas Department of Public Health;
  - g. The purpose of collecting the names and contact information of each person is so that the Department of Public Health may “quickly trace, test, and isolate individuals” who may have been exposed to COVID-19 if some staff member or person had the virus at the time the recorded names were present.
  - h. There is no guarantee the names and contact information will be kept confidential as confidentiality is only “to the extent allowed by law.”

During a press conference, Mayor Quinton Lucas confirmed the above applies to houses of worship. “[Religious gatherings](#) like weddings, church services and funerals can resume with 10 people inside a

location and 50 people outside, as long as social distancing is maintained and names and contact information of attendees is kept.”

Churches and houses of worship are discriminated against in two ways. First, they are excluded from the “essential” category and thus have been subjected to unequal treatment from the beginning. Essential operations, including gatherings inside and outside, are exempt from the 10/10/10 rule as well as name and contact recording. Second, religious gatherings for churches and houses of worship conducted *outside* are limited to no more than 50 people. No other secular outside gathering has this limitation of the 10/10/10 rule, which also includes recording names and contact information of any person who attends.

### **Fifth Amended Order 20-01**

**May 4, 2020**

#### **FAQ**

1. As a result of the public outcry over the unconstitutional provision that required recoding of names and contact information of attendees, on May 4, Kansas City reversed the Fourth Amended Order and issued a Fifth Amended Order.
2. In this Fifth Amended Order, the recording of names and contact information for attendees at was made *voluntary*. The amended order now states: “Attendees are not required, however, to provide their names or contact information at any religious gathering.” The recording of names and contact information was also removed from the other “non-essential” operations.
3. ***The Fifth Amended Order still imposes the 10/10/10 rule and no more than 50-person limit on outside religious gatherings, the latter of which is not imposed on any secular gathering.*** The recording of names and contact information is voluntary.

#### **ORDER**

<https://www.kcmo.gov/home/showdocument?id=5225>

#### **FAQ**

<https://www.kcmo.gov/city-hall/departments/health/coronavirus-covid-19-kcmo-information-and-response/reopen>