



Kansas Justice Institute applauds Dickinson County after quick amendment of unconstitutional health order

February 4 – A Dickinson County Health order that previously placed strict occupancy rules for religious establishments was challenged by Kansas Justice Institute and was amended earlier today. County leaders helped restore religious freedoms after hearing from the public and Kansas Justice Institute.

Kansas Justice Institute urged the Dickinson County Local Health Officer to modify a health order that set strict occupancy rules for religious establishments.

The health order – issued on December 17, 2020 – originally directed religious institutions to cap their attendance at 25% occupancy of the fire code but allowed retail businesses to operate at 50%.

Litigation Director of Kansas Justice Institute, Sam MacRoberts, remarks, “Constitutional rights still exist in a pandemic. The earlier health order imposed an arbitrary and unconstitutional impediment to the free exercise of religion.”

A letter sent by KJI made it clear that the health order was in violation of the Kansas and U.S. Constitutions and urged the Dickinson County Health Officer to quickly resolve the issue by agreeing to revise or abandon the order. The Dickinson County Commission amended the latest order at today’s commission meeting to protect religious liberty.

KJI’s letter concluded by saying, “[We] urge you to immediately reconsider your decision to impose what in our view amounts to an arbitrary and unconstitutional impediment to the free exercise of religion.”

“The health order’s religious gathering limitations violated the Kansas Constitution, the Kansas Preservation of Religious Freedom Act, and the First Amendment to the United States Constitution,” said MacRoberts.

“No reasonable person can credibly deny COVID-19 is a serious public health issue that demands serious attention,” MacRoberts says. “But it does not excuse violating constitutional freedoms.”

Dickson County quickly resolved the issue by amending the current health order as recommended by KJI.

“To their great credit, Dickinson County ultimately did the right thing. They should be applauded for revising the health order. These are difficult times, and we credit the county leadership for remedying the situation so quickly,” says MacRoberts.

“This is a significant victory for the people of Dickinson County, and we are grateful we were able to work together to ensure religious liberties remain intact. I credit the Dickinson County Counselor for his professionalism and thoughtfulness.”

Kansas Justice Institute has embarked on a number of COVID related issues surrounding county health orders that are not compliant with the law. KJI strongly holds that neither local nor state government can violate the law during a pandemic.

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**Kansas Justice Institute is the pro-bono public-interest litigation arm of Kansas Policy
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