



FREQUENTLY ASKED QUESTIONS

Concealed Carry Weapons and Kansas Hospitals

State or Municipal Building 2013 HB 2052 EXEMPT

On and after July 1, 2013, all persons licensed to carry concealed handguns under the Personal and Family Protection Act are prohibited from carrying concealed handguns within this state or municipal building because either a temporary exemption or adequate security measures are in place pursuant to 2013 Senate Sub. for House Bill 2052.

*This FAQ was created by the
Kansas Hospital Association
and summarizes information from
the Kansas Attorney General's office.
It addresses how to implement the New
Concealed Carry Law-House Bill 2052.*

1. What does the new Concealed Carry Law set out to do?

On and after July 1, 2013, any "state or municipal building" must have "adequate security measures" in place to prevent any weapon from entering the building and properly post Attorney General-approved signage if that state or municipal building desires to restrict the licensed concealed carry of handguns within its walls.

NOTE: There are exceptions and exemptions to this general rule. A weapon is defined as any of the following: a handgun, pistol or revolver.

2. Who does this general rule affect?

In a broad sense, this law affects any "state or municipal building;" and it affects those who are authorized to carry a concealed weapon under the Kansas Personal and Family Protection Act.

The general rule will have no effect on the buildings of private businesses – even if the building is one that is state-owned or municipally-owned and leased by a private business. Any building that is held by the state or a municipality for revenue bond financing is likewise exempt from coverage as a "state or municipal building."

3. Are all hospitals exempt?

No. Under this new law, only governmental hospitals can request an exemption. The new law states:

The governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may exempt any building of such institution from this section for a period

of four years only by stating the reasons for such exemption and sending notice of such exemption to the Kansas Attorney General:

(1) A state or municipal-owned medical care facility, as defined in K.S.A. 65-425, and amendments thereto;

(2) a state or municipal-owned adult care home, as defined in K.S.A. 39-923, and amendments thereto;

(3) a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto;

(4) an indigent health care clinic, as defined by K.S.A. 2012 Supp. 65-7402, and amendments thereto; or

(5) a postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto, including any buildings located on the grounds of such institution and any buildings leased by such institution.

4. Once the four-year exemption ends, how can we renew the exemption?

Under the current language of the law, the four-year exemptions were only allowed for a one-time use. After four years of exemption, the buildings will either need to allow licensed concealed carry or have adequate security measures and proper signage in place.

5. Who can submit a letter requesting exemption?

By statute, the exemption request must come from the governing body (the board chairperson or a board member speaking for the board) of the state or municipal building. If no governing body exists for that facility, then the chief administrative officer for the facility must submit a letter requesting an exemption from the new law.

6. How long does the exemption review process take?

There is no review process. Exemptions are not “granted” or “denied” as no authority to do so was provided in the statute. The Attorney General will return a file stamped copy of the exemption letter to acknowledge its receipt. If the exemption appears to be missing any information, the Attorney General may include a letter of response that explains that the Attorney General’s office believes the exemption to be deficient. Ultimately, however, it will be up to the exercising body or administrative officer to make sure that the exemption exercised was done so in accordance with the statutory guidelines.

7. If a hospital has requested an exemption, what effect does that have for licensees carrying concealed weapons into that hospital?

Individuals licensed to carry concealed weapons could be restricted through the proper posting of Attorney General approved signage at all entrances to the building(s) and the building would not be required to have adequate security measures in place. Essentially, most concealed carry law would remain as it was pre-July 1, 2013.

NOTE: K.S.A. 75-7c10 was amended in other ways during the 2013 session, including a revision to the penalty section. That new penalty section would still be effective even if the building has exempted itself. The penalty for violating 75-7c10 would not revert back to its misdemeanor position of pre-July 1, 2013.

8. Will the Attorney General be maintaining a complete list of the buildings that have given notice of exemption?

No. There is no statutory directive to compile or publish this information.

9. If the Attorney General is not maintaining a list of the exempt buildings, how do licensees know whether or not a state or municipal building has sought an exemption?

On and after July 1, 2013, the original Attorney General-approved signage for buildings to restrict licensed concealed carry will be insufficient postings for state and municipal buildings who have exempted themselves from having "adequate security measures." The Attorney General's Office has designed a new sign by temporary regulation for state or municipal buildings that exempt themselves from the provisions of the law. The new signage includes specific text and will need to be displayed at all of the buildings' entrances.

10. What are "adequate security measures?"

By definition within the law, "adequate security measures" involves "the use of electronic equipment and personnel at public entrances to detect and restrict the carrying of any weapons into the state or municipal building, including, but not limited to, metal detectors, metal detector wands or any other equipment used for similar purposes to ensure that weapons are not permitted to be carried into such building by members of the public."

11. If we are not a governmental hospital, can we still restrict concealed carry?

Yes. The 2006 concealed carry law still applies to non-governmental hospitals. The previous requirements for signage (without added text) remain in effect for these hospitals.

12. If we choose to allow concealed carry within our buildings without the "adequate security measures" in place and later determine that we would like to exempt the buildings, will that be allowed?

As the law stands, the language would not prevent such a procedure. Again, the four-year exemption is currently a one-time use.

13. What are the requirements on signage?

As the law stands, you must have conspicuously posted signs that include the graphic and text in the document titled "state and municipal buildings: signage adopted by the Kansas Attorney General," dated June 20, 2013, which is hereby adopted by reference.

The top of the text shall be at least one inch but no more than two inches below the graphic. The text shall be in black letters and shall be no smaller than the text below the graphic in the document adopted in this paragraph. The text "State or Municipal Building, 2013 HB 2052 EXEMPT" shall be printed in boldface.

Other signage requirements include:

(1) has a white background;

(2) includes the graphic design that is contained in the documents adopted by this regulation and that meets the following requirements:

(A) depicts the handgun in black ink;

(B) depicts the circle with a diagonal slash across the handgun in red ink and is at least six inches in diameter;

(3) contains no text or other markings within the one-inch area surrounding the graphic design;

(4) contains no text other than the specified text;

(5) is visible from the exterior of the building and is not obstructed by doors, sliding doorways, displays or other postings;

(6) is posted at the eye level of an adult, which shall mean that the entire sign is between four feet and six feet from the ground;

(7) is posted not more than 12 inches to the right or left of each exterior public and nonpublic entrance to the building; and

(8) is legible. Each sign that becomes illegible shall be replaced immediately.

14. Are the new concealed carry signs different?

For governmental hospitals, yes, see question 13. They contain an additional text box. For non-governmental hospitals the signage remains the same.

15. How can we get signage?

Signage can be downloaded from the Attorney General's website at www.ag.ks.gov for both governmental and non-governmental hospitals. If hospitals need assistance ordering signage, contact Traci Parsons at APS (888) 941-2771 or traci.parsons@apskc.org.

16. What should we do if a person comes to the hospital with a concealed weapon?

If the hospital has banned weapons from its property, individuals should be made aware of the policy through signs and notices. A person who brings a concealed weapon to the hospital should be instructed to remove the weapon from the hospital. If the person notifies an employee of the weapon or asks for the employee's assistance to comply with the policy, the employee should notify hospital security. Hospital security should attempt to facilitate an appropriate removal of the weapon by asking the patient to remove the weapon from the hospital property. Hospital security should ensure that the weapon has been removed. If there are no possible means of removing the weapon, hospital security may have to take possession of the weapon as a last resort. If the person is in an emergency medical condition or active labor, the hospital should not refuse a medical screening to a person because he/she is carrying a weapon. Hospital security/personnel may have to take possession of the weapon and follow hospital policy as to the secured storage of the weapon and the reporting of the weapon to appropriate hospital staff.

17. What should we do if we find a concealed weapon on an unconscious patient who comes to our facility?

The hospital policy should address this situation. Hospital security must take possession of the weapon and turn it over to local law enforcement agency or store it until the patient is discharged. The best scenario is to turn it over to the local law enforcement agency and have the patient obtain his/her gun from the law enforcement agency when the patient is discharged. We do not recommend that hospital security assume responsibility for this weapon because there are administrative burdens, as well as increased liability for the hospital if the weapon is given to the wrong individual or given back to the patient when the patient did not have a license or is now incompetent to carry a weapon as a result of some medical or psychological illness.

18. If we see someone on our property and believe he or she is carrying a weapon in violation of our policy and our signage, what should we do?

Hospital staff, medical staff and volunteers should be educated to contact hospital security if they believe any person (including a patient, visitor or other hospital staff member, medical staff member or volunteer) has violated the hospital policy banning concealed weapons. Hospital security/personnel should inform the person of the hospital's policy regarding possessing a weapon. If the person refuses to comply with the policy, the hospital should contact local law enforcement. It is a class B misdemeanor for a licensee to knowingly have a concealed weapon at a business that prohibits persons from having concealed handguns on the property. **IN AN EMERGENCY SITUATION, NOTIFY LOCAL LAW ENFORCEMENT IMMEDIATELY.**

19. What do we do if we find a weapon on our property?

If a hospital finds a weapon on its property that is not in anyone's possession, the hospital should immediately secure the firearm, contact local law enforcement, report the matter and turn over the firearm to them.

20. May a hospital ban handguns and other deadly weapons in its parking lots and parking garages?

Yes. A hospital that owns or leases parking lots or parking garages may ban handguns and other deadly weapons on the hospital's parking lots or in the parking garages. However, some hospitals intend to permit licensees to lock their handguns in their motor vehicle while they are visiting patients in the hospital. If the hospital decides to ban firearms in parking lots or parking garages, leaving a handgun locked in the trunk may not be an option, and the person may be asked to take the weapon home.