
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1746 Session of
2021

INTRODUCED BY JOZWIAK, MILLARD, RYAN, ROTHMAN, BERNSTINE, COX,
KERWIN, MOUL, HAMM, ZIMMERMAN, SMITH, M. MACKENZIE, KAUFFMAN,
IRVIN, KEEFER, GREINER, GROVE, KNOWLES, FRITZ, GILLEN,
R. MACKENZIE AND PENNYCUICK, JULY 30, 2021

REFERRED TO COMMITTEE ON EDUCATION, JULY 30, 2021

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in school safety and security,
6 providing for limitation on masking order.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
10 as the Public School Code of 1949, is amended by adding a
11 section to read:

12 Section 1314-B. Limitation on masking order.

13 (a) Limitation.--Notwithstanding any provision of law to the
14 contrary, beginning on the effective date of this section,
15 students and staff of a school entity and nonpublic school shall
16 not be subject to the masking order and may not be required to
17 wear a mask or universal face covering at school.

18 (b) Definitions.--As used in this section, the following
19 words and phrases shall have the meanings given to them in this

1 subsection unless the context clearly indicates otherwise:

2 "Masking order." The updated order of the Secretary of the
3 Pennsylvania Department of Health Requiring Universal Face
4 Coverings issued on November 17, 2020, and any renewal of the
5 order, and any new order to prevent the spread of a communicable
6 disease.

7 "Nonpublic school." A nonprofit school, other than a public
8 school, within this Commonwealth wherein a resident of this
9 Commonwealth may legally fulfill the compulsory school
10 attendance requirements of this act which meet the requirements
11 of Title VI of the Civil Rights Act of 1964 (Public Law 88-352,
12 78 Stat. 241).

13 "School entity." A public school, including a charter school
14 or cyber charter school, private school, intermediate unit or
15 area career and technical school operating within this
16 Commonwealth.

17 Section 2. This act shall take effect immediately.