

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 846 Session of 2021

INTRODUCED BY MASTRIANO, J. WARD, SCAVELLO, REGAN, GEBHARD, BARTOLOTTA, STEFANO, MARTIN, PHILLIPS-HILL, HUTCHINSON AND BROOKS, AUGUST 27, 2021

SENATOR MARTIN, EDUCATION, AS AMENDED, SEPTEMBER 28, 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 health services, providing
6 for face covering or mask mandate opt out.

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 1419.1. Face Covering or Mask Mandate Opt Out.--(a)
13 A parent or legal guardian of a child of school age may opt out
14 the child from wearing a face covering or mask, which the
15 child's school imposes as a result of a recommendation or
16 mandate from the Secretary of Health or a local board or
17 department of health, that is primarily responsible for the
18 prevention and control of communicable and non-communicable
19 disease, including disease control in public and private schools

1 as set forth under section 3 of the act of April 23, 1956 (1955
2 P.L.1510, No.500), known as the Disease Prevention and Control
3 Law of 1955.

4 (B) A PARENT OR LEGAL GUARDIAN OF A CHILD OF SCHOOL AGE MAY <--
5 OPT OUT THE CHILD FROM WEARING A FACE COVERING OR MASK, WHICH
6 THE CHILD'S SCHOOL IMPOSES AS A RESULT OF A RECOMMENDATION OR
7 MANDATE FROM THE SCHOOL BOARD.

8 ~~(b)~~ (C) The child's school shall be required to develop and <--
9 post, on the school's publicly accessible Internet website, a
10 form to allow for a parent or legal guardian of the child to opt
11 out the child from wearing a face covering or mask. The form may
12 not require the parent or legal guardian to provide an excuse
13 for the opt out.

14 ~~(c)~~ (D) The form shall also state that a child of school age <--
15 whose parent or legal guardian has opted out the child from
16 wearing a face covering or mask shall not be subject to any
17 harassment or discriminatory treatment, including being:

- 18 (1) Relegated to certain physical locations.
19 (2) Isolated during school activities.
20 (3) Excluded from any school-sponsored events or activities.

21 ~~(d)~~ (E) As used in this section-- <--

22 "Face covering or mask" means material covering the nose and
23 mouth that is secured to the head with ties, straps or loops
24 over the ears or is wrapped around the lower face. The face
25 covering can be made of a variety of synthetic or natural
26 fabrics, including cotton, silk or linen. The face covering may
27 be factory-made, sewn by hand or be improvised from household
28 items, including scarfs, bandanas, t-shirts, sweatshirts or
29 towels.

30 "Local board or department of health" means the term as

1 defined under section 2(f) of the act of April 23, 1956 (1955
2 P.L.1510, No.500), known as the Disease Prevention and Control
3 Law of 1955.

4 Section 2. This act shall take effect immediately.