

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 173
House Committee Substitute Favorable 6/22/21
PROPOSED HOUSE COMMITTEE SUBSTITUTE S173-PCS35306-TC-45

Short Title: Free the Smiles Act.

(Public)

Sponsors:

Referred to:

March 3, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE LOCAL AUTHORITY FOR SCHOOL FACE COVERING
3 DETERMINATIONS DURING THE 2021-2022 SCHOOL YEAR.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** For the 2021-2022 school year, notwithstanding any other provision
6 of law, except as provided in Section 2 of this act, the governing board of any public school unit
7 or any nonpublic school shall have the exclusive authority to determine the use of face coverings,
8 and any appropriate exceptions to those requirements, during the instructional day on the campus
9 of the public school unit or nonpublic school, subject to the following requirements:

10 (1) No later than August 1, 2021, a local board of education shall vote on any
11 policy requiring mandatory face coverings for employees and students during
12 the instructional day that will apply in the first instructional month of the
13 2021-2022 school year.

14 (2) If at any time during the 2021-2022 school year a local board of education
15 adopts a policy requiring mandatory face coverings for employees and
16 students during the instructional day, whether for the first instructional month
17 or later in the school year, the local board shall vote at least once a month on
18 whether the policy should be repealed or modified for as long as the policy
19 remains in effect.

20 **SECTION 2.** For the 2021-2022 school year, the Governor may require by executive
21 order the use of face coverings for an individual public or nonpublic school to reduce the
22 transmission of an airborne communicable disease during a state of emergency. The executive
23 order shall include reasons specific to that school for requiring the use of face coverings, but the
24 executive order may require the use of face coverings for any reason deemed necessary by the
25 Governor. A single executive order shall not include a statewide face covering requirement for
26 public or nonpublic schools.

27 **SECTION 3.** This act is effective when it becomes law.



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