

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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SENATE BILL 173  
House Committee Substitute Favorable 6/22/21  
House Committee Substitute #2 Favorable 6/23/21  
Proposed Conference Committee Substitute S173-PCCS45475-TC-6

Short Title: Free the Smiles Act.

(Public)

Sponsors:

Referred to:

March 3, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE PARENTAL DISCRETION IN REQUIREMENTS FOR FACE  
3 COVERINGS ON PUBLIC SCHOOL UNIT PROPERTY.

4 The General Assembly of North Carolina enacts:

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6 **PART I. PARENTAL DISCRETION IN STUDENT FACE COVERINGS**

7 **SECTION 1.** Article 25A of Chapter 115C of the General Statutes is amended by  
8 adding a new section to read:

9 "**§ 115C-375.30. Parental discretion in student face coverings.**

10 (a) For the purposes of this section, the term "parent" means the parent or guardian of a  
11 child enrolled in a public school unit or attending any early childhood program located on  
12 property owned, used, or operated by a public school unit.

13 (b) Notwithstanding any other State or local law, rule, or policy, a parent may elect for  
14 their child to not wear a face covering while on public school unit property and shall notify a  
15 public school unit of that election. A public school unit shall adopt a process for parents to  
16 provide annual notification of the election. A parent shall not be required to provide a reason or  
17 any certification of the child's health or education status in making the election. As a result of a  
18 parental election under this section, students without face coverings shall not be treated  
19 differently than students with face coverings by the public school unit, including in classroom  
20 assignments, course assignments, non-academic portions of the school day, extracurricular  
21 activities, student discipline, and academic grading.

22 (c) No governing body of a public school unit, or its members, employees, designees,  
23 agents, or volunteers, shall be liable for any act or omission in compliance with this section that  
24 does not amount to gross negligence, willful or wanton conduct, or intentional wrongdoing."  
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26 **PART II. CONFORMING CHANGES**

27 **SECTION 2.(a)** G.S. 115C-47 is amended by adding a new subdivision to read:

28 "(68) Parental discretion in face coverings. – Local boards of education shall  
29 comply with the requirements of G.S. 115C-375.30, providing parental  
30 discretion in student face coverings."

31 **SECTION 2.(b)** G.S. 115C-218.75 is amended by adding a new subsection to read:

32 "(k) Parental Discretion in Face Coverings. – Charter schools shall comply with the  
33 requirements of G.S. 115C-375.30, providing parental discretion in student face coverings."

34 **SECTION 2.(c)** G.S. 115C-238.66 is amended by adding a new subdivision to read:



\* S 1 7 3 - P C C S 4 5 4 7 5 - T C - 6 \*

1           "(19) Parental discretion in face coverings. – Boards of directors shall comply with  
2           the requirements of G.S. 115C-375.30, providing parental discretion in  
3           student face coverings."

4           **SECTION 2.(d)** G.S. 116-239.8(b) is amended by adding a new subdivision to read:  
5           "(22) Parental discretion in face coverings. – Laboratory schools shall comply with  
6           the requirements of G.S. 115C-375.30, providing parental discretion in  
7           student face coverings."

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9           **PART III. REPEAL OF MONTHLY VOTING REQUIREMENTS ON FACE**  
10          **COVERINGS**

11                  **SECTION 3.** Section 10 of S.L. 2021-130 is repealed.

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13          **PART IV. EFFECTIVE DATE**

14                  **SECTION 4.** This act is effective when it becomes law.