

HB 1131 - AS INTRODUCED

2022 SESSION

22-2188
10/08

HOUSE BILL ***1131***

AN ACT relative to facial covering policies for schools.

SPONSORS: Rep. Weyler, Rock. 13; Rep. Blasek, Hills. 21

COMMITTEE: Education

ANALYSIS

This bill prohibits school boards and accredited nonpublic schools from adopting, enforcing, or implementing a policy that requires students or members of the public to wear a facial covering.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~in brackets and struck through~~.

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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10/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to facial covering policies for schools.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Section; Schools; Instruction of Pupils; Facial Coverings Policy. Amend RSA 189 by inserting after section 10 the following new section:

189:10-a Facial Covering Policy for Schools. The school board of a school district, the superintendent or chief administrative officer of a school district, and the authorities in charge of each accredited nonpublic school shall not adopt, enforce, or implement a policy that requires students or members of the public to wear a facial covering for any purpose while on the school district's or accredited nonpublic school's property unless the facial covering is necessary for a specific extracurricular or instructional purpose, or is required by some other section of the law.

I. In this section, "facial covering" means any item worn on the face which covers a student's mouth, nose, or both. This provision shall not prohibit any public school board or governing person or body of a school from requiring participating students to wear athletic gear intended to protect against concussive or similar sports-related physical damage, or to wear protective equipment while handling chemicals, fire, or other similar hazardous elements for scientific or similar educational purposes.

II. Any person claiming to be aggrieved by a violation of this section, including the attorney general, may initiate a civil action against a school, school district, school board, or other public entity in

superior court for injunctive and other legal or equitable relief. Any person aggrieved by an act prohibited by this section may also pursue all of the remedies available under RSA 491, RSA 275-E, or any other applicable common law or statutory cause of action.

III. Violation of this section by an educator shall be considered a violation of the educator code of conduct that justifies disciplinary sanction by the state board of education. For the purposes of this section, "educator" means a professional employee of any school whose position requires certification by the state board pursuant to RSA 189:39.

2 Effective Date. This act shall take effect 60 days after its passage.