**South Carolina General Assembly**

124th Session, 2021-2022

**H. 4388**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Jones, Hiott, Gilliam, McCabe, Forrest, Bennett, M.M. Smith, Huggins, May, B. Cox, McGarry, Caskey, T. Moore, Long, B. Newton, Brittain, Magnuson, McCravy, V.S. Moss, Oremus, Nutt, Wooten, Burns, Fry, Willis, Crawford, Elliott, Morgan, Haddon, Chumley, Dabney, Trantham, Allison, Bustos, Davis, Gagnon, Hill, Hixon, G.R. Smith and Thayer

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Introduced in the House on May 13, 2021

Currently residing in the House Committee on **Education and Public Works**

Summary: Parental choice for mask wearing in schools

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/13/2021 House Introduced and read first time ([House Journal‑page 18](file:///h:\hj\20210513.docx))

5/13/2021 House Referred to Committee on **Education and Public Works** ([House Journal‑page 18](file:///h:\hj\20210513.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4388&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[5/13/2021](file:///p:\pprever\2021-22\4388_20210513.docx)

**A** **JOINT RESOLUTION**

TO PROVIDE THAT THE DECISION OF WHETHER AN INDIVIDUAL PUBLIC SCHOOL STUDENT WILL WEAR A MASK OR OTHER FACE COVERING FOR MEDICAL REASONS OR OTHERWISE WHILE IN A PUBLIC SCHOOL FACILITY OR ON A PUBLIC SCHOOL BUS IS IN THE SOLE DISCRETION OF THE PARENTS OF THE STUDENT, TO PROVIDE THAT THE DECISION OF WHETHER AN INDIVIDUAL PUBLIC SCHOOL EMPLOYEE WILL WEAR A MASK OR OTHER FACE COVERING FOR MEDICAL REASONS OR OTHERWISE WHILE IN A PUBLIC SCHOOL FACILITY OR ON A PUBLIC SCHOOL BUS IS IN THE SOLE DISCRETION OF THE EMPLOYEE, TO PROHIBIT THE IMPOSITION OR ENFORCEMENT OF MASK MANDATES IN PUBLIC SCHOOL FACILITIES OR ON PUBLIC SCHOOL BUSES, TO CLARIFY THAT THESE PROVISIONS APPLY NOTWITHSTANDING CONFLICTING CERTAIN EMERGENCY OR NONEMERGENCY GUIDELINES OR DIRECTIVES, AND TO PROVIDE THE PROVISIONS OF THIS JOINT RESOLUTION EXPIRE JULY 1, 2022.

Whereas, the COVID‑19 pandemic prompted the imposition of numerous measures intended to reduce the spread of the virus, including the requirement that students and employees in South Carolina public schools wear masks in school facilities and on school buses; and

Whereas, the need to address public health concerns, however vital it may be, must be balanced with the cherished, inalienable rights to individual liberty and personal freedom granted by the United States Constitution; and

Whereas, accordingly, the decision of whether a student or employee wears a mask in public school facilities or on public school buses in this State is a personal choice that must be left to the sole discretion of each family or employee and may not be mandated by a public school, a public school district, the State Board of Education, or the State Department of Education. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The decision of whether an individual public school student will wear a mask or other face covering, for medical reasons or otherwise, while in a public school facility or on a school bus is in the sole discretion of the parents of the student. The decision of whether an individual public school employee, except for a school cafeteria worker, will wear a mask or other face covering, for medical reasons or otherwise, while in a public school facility or on a school bus is in the sole discretion of the employee. A public school, a public school district, the State Board of Education, and the State Department of Education may not:

(1) require a student or employee to wear masks or other face coverings in public school facilities or on public school buses;

(2) punish, separate, or stigmatize a student for wearing or not wearing a mask or other face covering in public school facilities or on public school buses; or

(3) stigmatize or retaliate against an employee for wearing or not wearing a mask or other face covering in public school facilities or on public school buses.

SECTION 2. The provisions of this joint resolution apply notwithstanding any emergency or nonemergency guidelines or directives of a school, a school district, the State Board of Education, or the State Department of Education, or any other provision of law.

SECTION 3. This joint resolution takes effect upon approval by the Governor and expires July 1, 2022.

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