

1 H.393

2 Introduced by Representatives Burt of Cabot, Bosch of Clarendon, Coffin of
3 Cavendish, Dobrovich of Williamstown, Morgan, L. of Milton,
4 Nelson of Derby, North of Ferrisburgh, Powers of Waterford,
5 and Tagliavia of Corinth

6 Referred to Committee on

7 Date:

8 Subject: Education; public schools; independent schools; postsecondary
9 schools; approved education programs; masks; face coverings; private
10 right of action

11 Statement of purpose of bill as introduced: This bill proposes to prohibit
12 public schools, independent schools, postsecondary schools, tutorial programs,
13 and approved education programs from requiring or mandating any student,
14 employee, or member of the public to wear a face mask to prevent or minimize
15 the spread of any pathogen. It proposes to create a private right of action for
16 damage, loss, or injury as a result of any conduct prohibited by this bill. This
17 bill also proposes to require any direction the Governor may give to State or
18 local boards of health during an emergency to comply with the prohibition on
19 requiring or mandating masks in schools.

20 An act relating to the prohibition of requiring face masks in schools

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 16 V.S.A. § 1390 is added to read:

3 § 1390. PROHIBITION ON REQUIRING FACE MASKS

4 (a) No public school, independent school, postsecondary school, tutorial
5 program, or approved education program may require or mandate any student,
6 employee, or member of the public to wear a face mask or covering with the
7 intent to prevent or minimize the spread of any pathogen as a condition for in-
8 person attendance.

9 (b) A person who has been injured by a violation of this section may bring
10 an action in the Civil Division of the Superior Court for damages, injunctive
11 relief, punitive damages in the case of an intentional violation, and reasonable
12 costs and attorney's fees.

13 Sec. 2. 20 V.S.A. § 9 is amended to read:

14 § 9. EMERGENCY POWERS OF GOVERNOR

15 Subject to the provisions of this chapter, in the event of an all-hazards event
16 in or directed upon the United States or Canada that causes or may cause
17 substantial damage or injury to persons or property within the State in any
18 manner, the Governor may declare a state of emergency within the entire State
19 or any portion or portions of the State. Thereafter, the Governor shall have and
20 may exercise for as long as the Governor determines the emergency to exist the
21 following additional powers within such area or areas:

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(4) To employ such measures and give such directions to the State or

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local boards of health as may be reasonably necessary for the purpose of

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securing compliance with the provisions of this chapter; provided, however,

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any such measures or directions shall comply with 16 V.S.A. § 1390.

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Sec. 3. EFFECTIVE DATE

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This act shall take effect on July 1, 2025.