STATE OF NEW YORK

8487

2021-2022 Regular Sessions

IN ASSEMBLY

November 17, 2021

Introduced by M. of A. DURSO, DeSTEFANO, SIMPSON, ANGELINO, MANKTELOW, JENSEN, J. A. GIGLIO, SALKA, GALLAHAN, TANNOUSIS, LAWLER, BARCLAY, MIKULIN, McDONOUGH, BRABENEC, TAGUE -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to implementing mask requirements in schools

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 2182 of the public health law is renumbered section 2183 and a new section 2182 is added to read as follows:

§ 2182. School district COVID-19 data; mask requirements. 1. For purposes of this section, the term "mask" shall include, but shall not be limited to, cloth masks, surgical masks and N-95 respirators that are worn to completely cover a person's nose and mouth.

2. All persons or entities that conduct COVID-19 testing shall require the individual being tested to disclose the school district in which they reside. Such school district information shall be included in any report of laboratory results that are submitted to the department or other health authority.

3. Based on the data received by the department pursuant to subdivision two of this section, the commissioner shall calculate the level of community transmission of COVID-19 on a district-wide basis. Such calculations shall be based upon the current standards established by the federal centers for disease control and prevention, hereinafter referred to as "the CDC". The commissioner shall update and publish such calculations to the department's public website on no less than a weekly basis.

4. (a) In the event that a school district has a level of community transmission of COVID-19 that is below the CDC's threshold for a high level of community transmission, according to the most recent calculations by the commissioner, the decision to wear a mask while attending

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD13195-01-1

school shall be made by the student's parent, legal guardian or by the student if such student is legally emancipated.

(b) In the event that a school district meets the CDC's threshold for a high level of community transmission of COVID-19, according to the most recent calculations by the commissioner, all students shall follow any current regulations and guidelines established by the commissioner concerning the wearing of masks while attending school.

§ 2. This act shall take effect immediately.