



SPONSOR: Rep. Collins & Sen. Hocker  
Sen. Wilson

HOUSE OF REPRESENTATIVES  
151st GENERAL ASSEMBLY

HOUSE BILL NO. 247

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO LIMITING MANDATES TO REQUIRE FACE MASKS.

1 WHEREAS, the appearance of the COVID-19 virus in Delaware led to the Governor declaring a State of  
2 Emergency in the state on March 12, 2020; and

3 WHEREAS, private industries, the federal government, and state governments, in coordination, have, in record  
4 time, developed, tested, approved, and distributed extremely effective vaccines to protect individuals from COVID-19; and

5 WHEREAS, 381,498 Delawareans have been fully vaccinated as of May 28, 2021; and

6 WHEREAS, according to the Delaware Department of Public Health, the vaccines have proven to be over 99.9%  
7 effective in Delaware; and

8 WHEREAS, the requirement to wear a face mask or face covering was necessary during the early stages of the  
9 spread of COVID-19 before the effective application of vaccines; and

10 WHEREAS, with effective vaccines, COVID-19 related face mask mandates have now been lifted for most  
11 activities; and

12 WHEREAS, continuing to mandate face masks after the successful development and distribution of vaccines  
13 raises serious questions relating to government encroachment, interference, and impairment of individual liberties and  
14 freedom.

15 NOW, THEREFORE:

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

17 Section 1. Amend Chapter 51, Title 29 of the Delaware Code by making deletions as shown by strike through and  
18 insertions as shown by underline as follows:

19 § 5127.

20 (a) The purpose of this section is to promote the welfare and protect the freedom of the people of Delaware from  
21 extended interference by government that subjectively mandates the use of masks covering an individual's nose and mouth  
22 for protection from COVID-19, a 2019 novel coronavirus called SARS-CoV-2.

23           **(b) Notwithstanding any State of Emergency declared or extended, a state agency, political subdivision of the**  
24 **state, school district, or charter school may not require or mandate the use of a face mask by any individual for that**  
25 **individual to access an area of service that is normally open to the public or to receive a benefit or service that is normally**  
26 **available to the public, provided that a vaccine that is predicted or proven to be at least 90% effective is generally available**  
27 **to the public.**

28           Section 2. This Act expires 1 year after its enactment into law unless otherwise provided by a subsequent act of  
29 the General Assembly.

#### **SYNOPSIS**

          This Act lifts any ongoing face mask mandates relating to COVID-19. This Act will expire 1 year after its enactment.