

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**HOUSE BILL 258
RATIFIED BILL**

AN ACT TO AUTHORIZE AMUSEMENT PARKS, GAMING AND BUSINESS ESTABLISHMENTS WITH VIDEO GAMES AND ARCADE GAMES, FAIRS OR CARNIVALS, AND VENUES FOR RECEPTIONS OR PARTIES TO RESUME OPERATIONS AND TO AUTHORIZE OUTDOOR STADIUM OPERATING RESTAURANTS TO OFFER AND OPERATE OUTDOOR DINING AND BEVERAGE SERVICE OPTIONS WHILE ALSO SAFEGUARDING THE PUBLIC HEALTH TO PREVENT THE SPREAD OF CORONAVIRUS DISEASE 2019 (COVID 19).

The General Assembly of North Carolina enacts:

SECTION 1.(a) Notwithstanding any declaration of emergency issued under Article 1A of Chapter 166A of the General Statutes or any municipal or county ordinance adopted under that Article related to the public health emergency created by COVID-19, any establishment that is an (i) amusement park or (ii) gaming and business establishment with video games and arcade games, as referenced in Section 8 of Executive Order No. 141, Easing Restrictions on Travel, Business Operations, and Mass Gatherings: Phase Two, issued on May 20, 2020, or (iii) any fair or carnival, which is a member of the North Carolina Association of Agricultural Fairs, may open and resume operations provided all of the following apply:

- (1) The establishment, fair, or carnival was in existence on March 10, 2020, or had a valid certificate of occupancy and business license issued by that date.
- (2) Total capacity is limited to fifty percent (50%) of the authorized fire capacity. Employees are excluded from the total capacity.
- (3) All employees answer a health questionnaire and have their temperature taken daily prior to working. Any employee showing symptoms or with a fever of 100.4 degrees Fahrenheit or higher shall not be allowed to enter the establishment.
- (4) All employees wear face masks. All visitors are strongly encouraged to wear face masks.
- (5) Contactless check-in is available. Markings are on the ground to denote proper social distancing of at least 6 feet in the check-in area.
- (6) Sanitation spray bottles with disinfectant or disinfectant wipes that are EPA-approved for SARS-CoV-2 (the virus that causes COVID-19) are available throughout the establishment.
- (7) Hand sanitizer stations are available throughout the establishment. All hand sanitizer is comprised of at least sixty percent (60%) alcohol.
- (8) Employees conduct frequent routine cleanings of high-touch equipment and high-use areas while the establishment is open and conduct a deep clean of the entire establishment after the close of business every day. For establishments that are open 24 hours a day, a deep clean of the entire establishment must occur at least once every 24 hours. Disinfectants that are EPA-approved for SARS-CoV-2 (the virus that causes COVID-19) are used for all cleanings.
- (9) The following practices must be maintained:



- a. Equipment is used in a manner to ensure social distancing of at least 6 feet.
 - b. Signage directs foot traffic for social distancing.
 - c. Employees monitor for social distancing and to ensure that equipment is being cleaned with disinfectant or disinfectant wipes.
- (10) Signage is posted to remind employees, members, and visitors of the social distancing and sanitation requirements in place.

SECTION 1.(b) This section is effective when it becomes law and expires when any applicable declaration of emergency prohibitions and restrictions expire or are otherwise terminated to permit amusement parks and gaming and business establishments with video games and arcade games to open for full unrestricted operations and to allow unrestricted mass gatherings.

SECTION 2. Notwithstanding Sections 1 and 4 of this act, the Governor may, with a concurrence of the majority of the Council of State, exercise powers granted under G.S. 166A-19.30(b) or (c) related to amusement parks, gaming and business establishments with video games and arcade games, any fair or carnival which is a member of the North Carolina Association of Agricultural Fairs, and venues for receptions or parties. In obtaining a concurrence of a majority of the Council of State for this purpose, the Governor shall contact each member of the Council of State regarding the potential exercise of the emergency powers under G.S. 166A-19.30(b) or (c) and seek the concurrence or nonconcurrence of that member. The Governor shall document and release the concurrence, nonconcurrence, or no response provided by each member of the Council of State by name. Upon receiving and releasing the majority concurrence, the Governor may exercise the power or powers under G.S. 166A-19.30(b) or (c) as described to the members of the Council of State.

SECTION 3. Notwithstanding the provisions of G.S. 130A-20, the Secretary of Health and Human Services or the Secretary of Environmental Quality may only order an abatement of an imminent hazard related to COVID-19 that requires closure of amusement parks, gaming and business establishments with video games and arcade games, any fair or carnival which is a member of the North Carolina Association of Agricultural Fairs, and venues for receptions or parties upon notification to the Governor and with a concurrence of the majority of the Council of State. In obtaining a concurrence of a majority of the Council of State for this purpose, each member of the Council of State shall be contacted regarding the potential exercise of the powers under G.S. 130A-20 and seek the concurrence or nonconcurrence of that member. Each response shall be documented and released with respect to concurrence, nonconcurrence, or no response provided by each member of the Council of State by name. Upon receiving and releasing the majority concurrence, the appropriate Secretary may exercise the power under G.S. 130A-20 as described to the members of the Council of State.

SECTION 4.(a) Notwithstanding any declaration of emergency issued under Article 1A of Chapter 166A of the General Statutes or any municipal or county ordinance adopted under that Article related to the public health emergency created by COVID-19, any venues for receptions or parties, as referenced in Section 8 of Executive Order No. 141, Easing Restrictions on Travel, Business Operations, and Mass Gatherings: Phase Two, issued on May 20, 2020, may open and resume operations provided all of the following apply:

- (1) The establishment was in existence on March 10, 2020, is properly licensed and permitted, and holds all necessary State and local regulatory permits, including, if applicable, any necessary ABC permits.
- (2) Total capacity is limited to fifty percent (50%) of the authorized fire capacity, 12 people per 1,000 square feet, or 300 people, whichever is less.
- (3) All employees shall have their temperature taken daily prior to working. Any employee showing symptoms or with a fever of 100.4 degrees Fahrenheit or higher shall not be allowed to enter the establishment.

- (4) All guests shall have their temperature taken by thermal temple thermometers. Any guest with a fever of 100.4 degrees Fahrenheit or higher shall not be permitted entry.
- (5) All employees shall wear face masks and gloves. All guests are strongly encouraged to wear face masks.
- (6) Food and beverage service shall not include self-service or buffet options.
- (7) Hand sanitizer stations shall be available throughout the establishment. All hand sanitizer is comprised of at least sixty percent (60%) alcohol.
- (8) The establishment shall maintain and enforce the social distancing requirements recommended by the federal Centers for Disease Control and Prevention and the North Carolina Department of Health and Human Services.
- (9) The establishment shall comply with all rules and regulations promulgated by the Division of Public Health of the North Carolina Department of Health and Human Services applicable to restaurants.
- (10) Employees shall conduct frequent routine cleanings of high-touch and high-use areas while the establishment is open and conduct a deep clean of the entire establishment after the close of business every day. Disinfectants that are EPA-approved for SARS-CoV-2 (the virus that causes COVID-19) are used for all cleanings.
- (11) Signage shall be posted to remind employees and guests of the social distancing and sanitation requirements in place.
- (12) The establishment shall collect and retain guest contact information on file for 15 days past the date of the event, which shall be made available for contact tracing if so requested.

SECTION 4.(b) This section is effective when it becomes law and expires when any applicable declaration of emergency prohibitions and restrictions expire or are otherwise terminated to permit venues for receptions and parties to open for full unrestricted use.

SECTION 4.5.(a) Notwithstanding any declaration of emergency issued under Article 1A of Chapter 166A of the General Statutes or any municipal or county ordinance adopted under that Article related to the public health emergency created by COVID-19, any outdoor stadium with a spectator capacity of 12,000 or less that operates a restaurant, as defined in G.S. 18B-1000(6), on the premises of the stadium may open and operate food and drink service for on-premises consumption provided all of the following apply:

- (1) The stadium was in existence on March 10, 2020, is properly licensed and permitted, and holds all necessary State and local regulatory permits, including, if applicable, any ABC permits
- (2) The food and drink service operation for on-premises consumption is limited to any authorized indoor seating specifically designated for the restaurant operation and to the outdoor seating location.
- (3) The outdoor food and drink service seating capacity is limited to ten percent (10%) of the spectator capacity of the stadium.
- (4) The outdoor seating location must be part of the stadium, may include the playing area of the stadium, and must contain or have access to lavatory and toilet facilities for employees and customers as required for on-site preparation and consumption of food and beverage under rules established by the North Carolina Department of Health and Human Services.
- (5) If the establishment holds ABC permits and serves alcohol pursuant to those permits, the outdoor seating location must have delineated vertical boundaries that the consumer would recognize as indicating the boundaries that physically separate areas where consumption of alcohol is allowed from areas open to the general public other than customers of the establishment.

- (6) The establishment maintains and enforces the social distancing requirements recommended by the federal Centers for Disease Control and Prevention and the North Carolina Department of Health and Human Services.
- (7) The establishment complies with all rules and regulations promulgated by the Division of Public Health of the North Carolina Department of Health and Human Services applicable to outdoor food and drink service.

SECTION 4.5.(b) This section is effective when it becomes law and expires upon the later of (i) 30 days after any declaration of emergency prohibitions and restrictions applicable expire or are otherwise terminated to permit the establishment to open for full unrestricted service of food and drink or (ii) October 31, 2020.

SECTION 4.6. Notwithstanding Section 4.5 of this act, the Governor may, with a concurrence of the majority of the Council of State, exercise powers granted under G.S. 166A-19.30(b) or (c) related to outdoor stadiums that operate restaurants. In obtaining a concurrence of a majority of the Council of State for this purpose, the Governor shall contact each member of the Council of State regarding the potential exercise of the emergency powers under G.S. 166A-19.30(b) or (c) and seek the concurrence or nonconcurrence of that member. The Governor shall document and release the concurrence, nonconcurrence, or no response provided by each member of the Council of State by name. Upon receiving and releasing the majority concurrence, the Governor may exercise the power or powers under G.S. 166A-19.30(b) or (c) as described to the members of the Council of State.

SECTION 4.7. Notwithstanding the provisions of G.S. 130A-20, the Secretary of Health and Human Services or the Secretary of Environmental Quality may only order an abatement of an imminent hazard related to COVID-19 that requires closure of outdoor stadiums that operate restaurants upon notification to the Governor and with a concurrence of the majority of the Council of State. In obtaining a concurrence of a majority of the Council of State for this purpose, each member of the Council of State shall be contacted regarding the potential exercise of the powers under G.S. 130A-20 and seek the concurrence or nonconcurrence of that member. Each response shall be documented and released with respect to concurrence, nonconcurrence, or no response provided by each member of the Council of State by name. Upon receiving and releasing the majority concurrence, the appropriate Secretary may exercise the power under G.S. 130A-20 as described to the members of the Council of State.

law. **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
In the General Assembly read three times and ratified this the 24th day of June, 2020.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2020