

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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HOUSE BILL 258*
Committee Substitute Favorable 3/13/19
Committee Substitute #2 Favorable 3/27/19
Committee Substitute #3 Favorable 5/6/19
Senate Commerce and Insurance Committee Substitute Adopted 6/18/20

Short Title: Open Amusement Parks/Arcades/Venues.

(Public)

Sponsors:

Referred to:

March 5, 2019

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE AMUSEMENT PARKS, GAMING AND BUSINESS
2 ESTABLISHMENTS WITH VIDEO GAMES AND ARCADE GAMES, AND VENUES
3 FOR RECEPTIONS OR PARTIES TO RESUME OPERATIONS.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Notwithstanding any declaration of emergency issued under Article
7 1A of Chapter 166A of the General Statutes or any municipal or county ordinance adopted under
8 that Article related to the public health emergency created by COVID-19, any establishment that
9 is an (i) amusement park or (ii) gaming and business establishment with video games and arcade
10 games, as referenced in Section 8 of Executive Order No. 141, Easing Restrictions on Travel,
11 Business Operations, and Mass Gatherings: Phase Two, issued on May 20, 2020, may open and
12 resume operations provided all of the following apply:

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



1 occur at least once every 24 hours. Disinfectants that are EPA-approved for
2 SARS-CoV-2 (the virus that causes COVID-19) are used for all cleanings.

3 (9) The following practices must be maintained:

- 4 a. Equipment is used in a manner to ensure social distancing of at least 6
5 feet.
- 6 b. Signage directs foot traffic for social distancing.
- 7 c. Employees monitor for social distancing and to ensure that equipment
8 is being cleaned with disinfectant or disinfectant wipes.

9 (10) Signage is posted to remind employees, members, and visitors of the social
10 distancing and sanitation requirements in place.

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

15 **SECTION 2.** Notwithstanding Sections 1 and 4 of this act, the Governor may, with
16 a concurrence of the majority of the Council of State, exercise powers granted under
17 G.S. 166A-19.30(b) or (c) related to amusement parks, gaming and business establishments with
18 video games and arcade games, and venues for receptions or parties. In obtaining a concurrence
19 of a majority of the Council of State for this purpose, the Governor shall contact each member of
20 the Council of State regarding the potential exercise of the emergency powers under
21 G.S. 166A-19.30(b) or (c) and seek the concurrence or nonconcurrence of that member. The
22 Governor shall document and release the concurrence, nonconcurrence, or no response provided
23 by each member of the Council of State by name. Upon receiving and releasing the majority
24 concurrence, the Governor may exercise the power or powers under G.S. 166A-19.30(b) or (c)
25 as described to the members of the Council of State.

26 **SECTION 3.** Notwithstanding the provisions of G.S. 130A-20, the Secretary of
27 Health and Human Services or the Secretary of Environmental Quality may only order an
28 abatement of an imminent hazard related to COVID-19 that requires closure of amusement parks,
29 gaming and business establishments with video games and arcade games, and venues for
30 receptions or parties upon notification to the Governor and with a concurrence of the majority of
31 the Council of State. In obtaining a concurrence of a majority of the Council of State for this
32 purpose, each member of the Council of State shall be contacted regarding the potential exercise
33 of the powers under G.S. 130A-20 and seek the concurrence or nonconcurrence of that member.
34 Each response shall be documented and released with respect to concurrence, nonconcurrence,
35 or no response provided by each member of the Council of State by name. Upon receiving and
36 releasing the majority concurrence, the appropriate Secretary may exercise the power under
37 G.S. 130A-20 as described to the members of the Council of State.

38 **SECTION 4.(a)** Notwithstanding any declaration of emergency issued under Article
39 1A of Chapter 166A of the General Statutes or any municipal or county ordinance adopted under
40 that Article related to the public health emergency created by COVID-19, any venues for
41 receptions or parties, as referenced in Section 8 of Executive Order No. 141, Easing Restrictions
42 on Travel, Business Operations, and Mass Gatherings: Phase Two, issued on May 20, 2020, may
43 open and resume operations provided all of the following apply:

- 44 (1) The establishment was in existence on March 10, 2020, is properly licensed
45 and permitted, and holds all necessary State and local regulatory permits,
46 including, if applicable, any necessary ABC permits.
- 47 (2) Total capacity is limited to fifty percent (50%) of the authorized fire capacity,
48 12 people per 1,000 square feet, or 300 people, whichever is less.
- 49 (3) All employees shall have their temperature taken daily prior to working. Any
50 employee showing symptoms or with a fever of 100.4 degrees Fahrenheit or
51 higher shall not be allowed to enter the establishment.

- 1 (4) All guests shall have their temperature taken by thermal temple thermometers.
- 2 Any guest with a fever of 100.4 degrees Fahrenheit or higher shall not be
- 3 permitted entry.
- 4 (5) All employees shall wear face masks and gloves. All guests are strongly
- 5 encouraged to wear face masks.
- 6 (6) Food and beverage service shall not include self-service or buffet options.
- 7 (7) Hand sanitizer stations shall be available throughout the establishment. All
- 8 hand sanitizer is comprised of at least sixty percent (60%) alcohol.
- 9 (8) The establishment shall maintain and enforce the social distancing
- 10 requirements recommended by the federal Centers for Disease Control and
- 11 Prevention and the North Carolina Department of Health and Human Services.
- 12 (9) The establishment shall comply with all rules and regulations promulgated by
- 13 the Division of Public Health of the North Carolina Department of Health and
- 14 Human Services applicable to restaurants.
- 15 (10) Employees shall conduct frequent routine cleanings of high-touch and
- 16 high-use areas while the establishment is open and conduct a deep clean of the
- 17 entire establishment after the close of business every day. Disinfectants that
- 18 are EPA-approved for SARS-CoV-2 (the virus that causes COVID-19) are
- 19 used for all cleanings.
- 20 (11) Signage shall be posted to remind employees and guests of the social
- 21 distancing and sanitation requirements in place.
- 22 (12) The establishment shall collect and retain guest contact information on file for
- 23 15 days past the date of the event, which shall be made available for contact
- 24 tracing if so requested.

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

28 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
29 law.