

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2019**

**SENATE BILL 599**  
**RATIFIED BILL**

AN ACT TO AUTHORIZE SKATING RINKS AND BOWLING ALLEYS TO RESUME OPERATIONS AND TO MODIFY THE CAPACITY OF TEMPORARY OUTDOOR SEATING FOR FOOD AND DRINK ESTABLISHMENTS.

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 (i) skating rinks or (ii) bowling alleys, as referenced in Section 8 of Executive Order No. 141, Easing Restrictions on Travel, Business Operations, and Mass Gatherings: Phase Two, issued by Governor Roy A. Cooper 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, or had a valid certificate of occupancy and business license issued by that date.
- (2) Total indoor capacity is limited to fifty percent (50%) of the authorized fire capacity. Employees are excluded from the total indoor 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 is not 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, including propping open all entry doors when possible. Markings are on the ground to denote proper social distancing of at least six 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 six 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 after each user.



- (10) All personal hygiene areas and amenity services are closed, except for toilets, lavatories, and lockers where social distancing must be maintained.
- (11) Water fountains are limited to filling water bottles only.
- (12) 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 skating rinks and bowling alleys to open for full unrestricted operations.

**SECTION 2.(a)** If House Bill 594, 2019 Regular Session, becomes law, then subdivision (4) of subsection (a) of Section 2 of that act reads as rewritten:

"(4) The outdoor food and drink service seating capacity is limited to ~~fifty percent (50%) of the current indoor seating capacity of the establishment, or 100 customers, whichever is less.~~ one of the following:

- a. Fifty percent (50%) of the current indoor seating capacity of the establishment, or 100 customers, whichever is less.
- b. If the establishment is located in a minor league baseball stadium, ten percent (10%) of the spectator capacity of the stadium."

**SECTION 2.(b)** This section is effective when it becomes law and expires upon the later of (i) 30 days after any applicable declaration of emergency prohibitions and restrictions 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 3.** Notwithstanding Section 1 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 skating rinks and bowling alleys. 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.** 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 skating rinks and bowling alleys 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 5.** This act is effective when it becomes law.  
In the General Assembly read three times and ratified this the 19<sup>th</sup> day of June, 2020.

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

s/ David R. Lewis  
Presiding Officer of the House of Representatives

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Roy Cooper  
Governor

Approved \_\_\_\_\_m. this \_\_\_\_\_ day of \_\_\_\_\_, 2020