

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 806
Senate Judiciary Committee Substitute Adopted 6/16/20
Proposed Conference Committee Substitute H806-PCCS40698-TG-2

Short Title: Open Exercise & Fitness Facilities.

(Public)

Sponsors:

Referred to:

April 18, 2019

A BILL TO BE ENTITLED

1
2 AN ACT TO AUTHORIZE INDOOR OR OUTDOOR EXERCISE AND FITNESS
3 FACILITIES, GYMS, HEALTH CLUBS, AND FITNESS CENTERS TO RESUME
4 OPERATIONS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Notwithstanding Executive Order No. 147, Extension of Phase 2 Order
7 and New Measures to Save Lives in the COVID-19 Pandemic, issued by Governor Roy A.
8 Cooper on June 24, 2020, any indoor or outdoor (i) exercise and fitness facilities, (ii) gyms, (iii)
9 health clubs, and (iv) fitness centers, as referenced in Section 8 of Executive Order No. 147,
10 Easing Restrictions on Travel, Business Operations, and Mass Gatherings: Phase 2, issued on
11 May 20, 2020, may open and resume operations provided all of the following apply:

- 12 (1) The establishment was in existence on March 10, 2020, or had a valid
13 certificate of occupancy and business license issued by that date.
- 14 (2) Total indoor capacity is limited to forty percent (40%) of the authorized fire
15 capacity. Employees are excluded from the total indoor capacity.
- 16 (3) All employees answer a health questionnaire and have their temperature taken
17 daily prior to working. Any employee showing symptoms or with a fever is
18 not allowed to enter the establishment.
- 19 (4) All employees wear face masks, except when actively leading a group fitness
20 class or when outdoors and socially distanced. All members and visitors are
21 strongly encouraged to wear face masks.
- 22 (5) Contactless check-in is available, including propping open all entry doors
23 when possible, or facilities may review possible HVAC system upgrades to
24 promote improved air filtration and at a minimum provide MERV 11 level
25 filtration. Markings are on the ground to denote proper social distancing of at
26 least 6 feet in the check-in area.
- 27 (6) Sanitation spray bottles with disinfectant or disinfectant wipes that are
28 EPA-approved for SARS-CoV-2 (the virus that causes COVID-19) are
29 available throughout the establishment.
- 30 (7) Hand sanitizer stations are available throughout the establishment. All hand
31 sanitizer is comprised of at least sixty percent (60%) alcohol.
- 32 (8) Employees conduct frequent routine cleanings of high-touch equipment and
33 high-use areas while the establishment is open and conduct a deep clean of the
34 entire establishment after the close of business every day. For establishments
35 that are open 24 hours a day, a deep clean of the entire establishment must



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- 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) For open space cardiovascular, weight training, and exercise areas, the
4 following practices must be maintained:
- 5 a. Cardiovascular and weight training equipment is used in a manner to
6 ensure social distancing of at least 6 feet.
- 7 b. Signage directs foot traffic for social distancing.
- 8 c. Employees monitor the areas for social distancing and to ensure that
9 equipment is being cleaned with disinfectant or disinfectant wipes
10 after each user.
- 11 (10) For studio and group fitness classes, the following practices must be
12 maintained:
- 13 a. Markings are on the ground at the entrances to classes to denote proper
14 social distancing of at least 6 feet apart.
- 15 b. Participants must maintain social distancing of at least 6 feet during
16 the classes.
- 17 c. Stations or equipment used during classes is arranged and used in a
18 manner to ensure social distancing of at least 6 feet.
- 19 d. All doors to studio and group fitness classes must remain open when
20 possible, or facilities may review possible HVAC system upgrades to
21 promote improved air filtration and at a minimum provide MERV 11
22 level filtration.
- 23 e. All rooms and any equipment used must be thoroughly cleaned
24 between classes.
- 25 (11) On-premises child care is limited to fifty percent (50%) of its current allowed
26 occupancy.
- 27 (12) Social distancing of at least 6 feet is employed on all open courts and fields.
- 28 (13) All personal hygiene areas and amenity services are closed, except for toilets,
29 lavatories, and lockers where social distancing must be maintained.
- 30 (14) Water fountains are limited to filling water bottles only.
- 31 (15) Signage is posted to remind employees, members, and visitors of the social
32 distancing and sanitation requirements in place.

33 **SECTION 2.** This act is effective when it becomes law and expires when Executive
34 Order No. 147, issued on June 24, 2020, is repealed, replaced, or rescinded.