



# HOUSE BILL 128: Increase Access to Sporting Venues in Schools.

2021-2022 General Assembly

<b>Committee:</b>	House Education - K-12. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 2, 2021
<b>Introduced by:</b>	Reps. K. Hall, Elmore, D. Hall, Willis	<b>Prepared by:</b>	Kara McCraw Staff Attorney
<b>Analysis of:</b>	PCS to First Edition H128-CSTC-4		

**OVERVIEW:** *HB 128 would authorize public and nonpublic kindergarten-12 schools, community colleges, and constituent institutions of The University of North Carolina to allow spectators at up to 50% capacity for sporting events.*

*The PCS for HB 128 would make the following changes:*

- *Allow the same increase in spectators for graduation and commencement ceremonies.*
- *Allow up to 14 spectators for every 1000 square feet for facilities without occupancy capacities.*
- *Update to require use of the most current guidance issued by the Department of Health and Human Services on Youth and Amateur Sports Program.*
- *Clarify the definition of family to include members of the immediate household.*
- *Clarify the effective date clause to provide that the law will apply only when executive orders set occupancy capacities below 50% for indoor and outdoor gatherings.*

**CURRENT LAW:** Executive Order 195, issued by Gov. Cooper on February 24, 2021 includes the following limitations on gatherings in various venues:

- Sec. 3.2.d. and Section 3.8.d limits guests in spectator stands and viewing areas at a sporting facility, stadium, or sporting complex and guests in meeting spaces, meeting or reception venues, and any entertainment facilities not otherwise covered by the Order to 30% of the facility's stated occupancy. For spaces without a stated occupancy, no more than seven guests are permitted for every 1,000 square feet of the area's square footage. If the facility is an indoor space, the limit is 250 guests, if that number would be less than either of the above measures.
- Sec. 6.1 applies additional restriction to indoor facilities with seating capacity of five thousand (5,000) or more that are covered by Subsections 3.2 or 3.8 of this Executive Order, such as auditoriums, arenas, venues, spectator stands, and conference centers. Those facilities are limited to 15% of the stated fire capacity, regardless of the 250 guest cap, if certain conditions are met.
- Sec. 5.2.a of Executive Order 195 applies these restrictions to educational institutions.

**BILL ANALYSIS:** The PCS for HB 128 would do the following:

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# House PCS 128

Page 2

- Authorize nonpublic and public K-12 schools, community colleges, and constituent institutions of The University of North Carolina (qualifying schools) to increase spectator capacity at both sporting events and graduation and commencement ceremonies as follows:
  - If the facility has a capacity stated on its certificate of occupancy under the North Carolina State Building Code, spectator capacity could be no more than 50% of that capacity and no less than 30%.
  - If the facility does not a certificate of occupancy under the North Carolina State Building Code, spectator capacity could be no more than 14 spectators per 1000 square feet.
  - To the extent the requirements do not conflict with the requirements of HB 128, qualifying schools would be required to follow certain applicable guidance issued by the Department of Health and Human Services.
- Spectators are defined to not include athletes and graduating students or their families, employees of the qualifying school, entertainers, and support staff.

**EFFECTIVE DATE:** The PCS for HB 128 would become effective when it becomes law. HB 128 would apply when the occupancy capacity of gatherings was limited to less than 50% by an executive order, secretarial order, or directive related to the COVID-19 pandemic. The act would expire on December 31, 2021.

**BACKGROUND:** HB 128 instructs qualifying schools to comply with the following guidance documents to the extent they do not conflict with the bill:

- The [StrongSchoolsNC Public Health Toolkit \(K-12\)](#), as that guidance existed on February 2, 2021.
- [Interim Guidance for Administrators and Participants of Youth and Amateur Sports Programs](#), as that guidance existed on February 26, 2021.
- [Interim Guidance for Institutions of Higher Education](#), as that guidance existed on December 23, 2020.